

The Solicitors' Journal.

LONDON, DECEMBER 13, 1884.

CURRENT TOPICS.

SOME TIME AGO we hinted at the probability that after Christmas, and during the absence on circuit of the majority of the leading counsel of the Common Law Bar, both Divisions of the Court of Appeal would hear chancery appeals. In Division No. 1 there are about seventy-five appeals remaining unheard, the earliest of which was set down in June, while the chancery and probate lists of appeals contain more than 220 appeals, the earliest of which was set down in November, 1883. We understand that the course we hinted at will most probably be adopted. If so, may we venture to suggest that the convenience of counsel and solicitors will be greatly promoted by all the appeals from the same chancery judge being heard before the same division of the Court of Appeal.

IT WAS NOT WITHOUT REASON that Lord Justice BAGGALLAY and his two colleagues in the Court of Appeal, No. 2, complained on Tuesday of the draughts of cold air which played on their heads and legs. On Thursday Lord Justice BOWEN—who had, as Lord Justice BAGGALLAY announced, "succumbed"—was absent through illness; and as there were only two judges, the greater part of the cases in the list had to be postponed, and the court proceeded to dispose of the only interlocutory case in their day's paper. The court in which the Lords Justices sit has already attained an evil reputation, for there can be very little doubt that the health of the late Sir GEORGE JESSEL was seriously affected by the draughts to which he was exposed while sitting in it.

THE CLASSIFICATION of persons attending proceedings in the chambers of the Chancery judges is regulated by R. S. C., 1883, ord. 55, r. 40, which is taken from the Chancery Consolidated Order 35, r. 20. In a case of *Re Docwra*, before the Court of Appeal No. 1, on Monday last, it was sought to discharge an order whereby the official solicitor was appointed to represent a class of residuary legatees, on the ground that rule 40 only applies to administration actions, and that it was a hardship on the parties to be represented by a solicitor not of their own choosing. The court decided that the operation of the rule is not limited to administration actions, but applies to all actions without exception. It was pointed out by the court that the official solicitor was only "nominated" to represent the parties appealing, and that, if they chose, they were at liberty, according to the terms of rule 40, to attend by their own solicitor at their own expense, and by paying any costs incurred by the other parties by reason of their being represented by a different solicitor from the one nominated.

MR. HENRY HARTLEY FOWLER, M.P., may be congratulated as being probably the first practising solicitor who has become a member of the Government of the day. The office of Under-Secretary of State for the Home Department is one for which the career of a successful solicitor affords an admirable training, and Mr. FOWLER's experience, energy, and tact will find full scope in his new duties. Examples of permanent Government officials who have been or are solicitors are, of course, numerous. One of the best instances is Sir JOHN LAMBERT, K.C.B., who is now presiding over the Boundary Commission, and was formerly Permanent Secretary to the Local Government Board, who practised for many years as a solicitor at Salisbury. But, in general, solicitors, while often exercising an important influence on political affairs,

have not sought political office. The late Sir PHILIP ROSE, Bart., for instance, who was Lord BEAUCONFIELD's solicitor, and legal adviser in general to the Conservative party, did not, we believe, hold any office more nearly approaching to a Government post than that of Treasurer of County Courts.

IT IS NOW TOLERABLY EASY, from the answers of Ministers in Parliament by which the Instructions to the Boundary Commissioners have been explained, to surmise generally the mode in which those officials will proceed in the process of dividing counties which is now creating so much interest. The first consideration in framing the divisions will be, as far as practicable, to equalize the population of the several divisions, leaving out of the reckoning, of course, the population of any parliamentary borough. According to Sir CHARLES DILKE, in reply to a question put to him on the 2nd inst., in the House of Commons, the intention is that each division shall contain between 50,000 and 60,000 inhabitants. The next consideration will be to include "populous localities of an urban character" in one and the same division, whenever this can be done without producing grave inconveniences and involving boundaries of a very irregular and objectionable character. That is to say the towns in a county which are not parliamentary boroughs will, as far as practicable, be grouped. It is obviously contemplated that what we may call the urban division or divisions of a county will not necessarily be compact or planned with reference to geographical position, inasmuch as the Instructions to the Commissioners make the directions on these points of compactness and geographical position expressly "subject to the important rule" as to combining the urban populations. Then, with regard to the rest of the county, the divisions are to be based on "well-known existing areas." What these areas are to be is indicated by the reference in the Instructions to the Commissioners to petty sessional divisions, which always follow the limits of the counties. As Sir CHARLES DILKE explained in the House of Commons, on the 2nd inst., the sanitary districts often overlap counties, and have never formed the basis of county divisions. It may be taken, therefore, that in general the petty sessional divisions will be adopted as the basis of the electoral divisions of counties. The only prohibition laid down, however, is that no division must intersect a parish. The powers of the Boundary Commissioners are, of course, confined to suggesting the divisions of the counties. They will not settle the polling places.

THE DECISION of Mr. Justice KAY in *Fry v. Tapson*, to which we called the attention of our readers a few days after it was delivered, was reported in last week's issue of the WEEKLY REPORTER (33 W. R. 113). The great practical importance of the decision seems to justify us in returning to the case to point out briefly its effect. The result of the decision seems to be that (1) trustees must not invest on mortgage of houses or trade premises a larger amount than one-half of the estimated value. We have several times explained our reasons for thinking that no such hard and fast rule is to be found in the earlier cases; that the doctrine arose out of a misapprehension by Lord ROMILLY of a *dictum* by Lord CORNTHAM in *Stickney v. Sewell* (1 My. & Cr. 13); and that the true rule is that laid down by Vice-Chancellor BACON in *In re Godfrey* (32 W. R. 23)—viz., that a trustee is justified in advancing the amount which a prudent man would have advanced. But so long as *Fry v. Tapson* stands, no trustee can safely be advised to advance more than two-thirds of the estimated value of land, and half of the estimated value of buildings. (2) The valuer employed by trustees about to invest on mortgage must be a surveyor having knowledge of the value of property in the locality of the security proposed. This merely affirms *Budge v. Gummow* (20 W. R. 1022, L. R. 7 Ch. 719). (3) The surveyor must be selected by the

trustees, and not by their solicitor. The proper course for the solicitor, if asked to name a valuer, is to submit a name or names to the trustees; tell them everything the solicitor knows to guide their choice, and then leave the selection to them. The same course must apparently be followed if the solicitor is asked to employ a stockbroker for trustees. And (4) the surveyor must not be employed or recommended by the mortgagor or his solicitors. So long as the judgment in *Fry v. Tapson* remains undisturbed by the Court of Appeal, these four rules ought to rest in the memory of every solicitor who has (and what solicitor has not?) to act for trustees in matters connected with trust investments.

ONE OF THE legislative achievements of the recent autumnal session is the Act to amend the 43rd section of the Yorkshire Registries Act, 1884, which (speaking of the Bill as introduced) is probably, both in object and in length, one of the minutest specimens of modern legislation. It consists of one section occupying three lines, and its sole object is to substitute the word "commencement" for the word "passing" in section 43 of the previous Act. That section, as it stood, provided that, "where in any case any assurance or instrument executed or made before the passing of this Act . . . might, but for the passing of this Act, have been registered in any existing registry," but has not been so registered, it may be registered in the manner prescribed by the Act, and such registration is to be deemed to be a registering of such assurance or instrument "under such of the Acts by this Act repealed as apply to the existing registry in which the same might have been so registered as aforesaid, and shall have effect accordingly." The effect of the unlucky blunder in inserting "passing" instead of "commencement" in this section was to leave persons holding deeds executed between the date of passing and the date of commencement of the Act, which they omit to register before the commencement of the Act, without any provision for registration. The old Acts are repealed as from the commencement of the new Act, and the new Act only applies to assurances executed after its commencement. The recent Act allows these procrastinators the priceless boon of registration. A vigorous agitation has been started for the amendment, in other respects, of the Yorkshire Registries Act, 1884. We reported last week a deputation from the Yorkshire bankers to the Lord Chancellor with reference to the effect of the Act on equitable mortgages. The Act was passed on the 7th of August last, but the bankers appear only quite lately to have awoken to the importance to them of some of the provisions of the Act, which they rather unfairly allege was "rushed" through Parliament, whereas, we believe the facts are that it was read a second time on the 12th of March and referred to a Select Committee, the sittings of which extended over more than a month. The provisions to which the bankers take exception are section 7, which they say, quite truly, virtually abolishes security by deposit of deeds without registration; section 14, the practical effect of which is that registered instruments take priority over unregistered equitable mortgages by deposit, although persons claiming under the former may have had actual notice of the latter; and section 15, which provides that the registration of any instrument under the Act shall be deemed to constitute actual notice of such instrument, and of the fact of its registration, to all persons and for all purposes whatsoever. There can, we think, be little doubt that the effect of the Act will be to put a stop to unregistered and secret securities by deposit of deeds; and there seems to be equally little doubt that this was the deliberate intention of its promoters. The authority for this course is to be found in the report of Mr. OSBORN MORGAN's Committee on Land Transfer. They say that "a more serious objection to the registration of all dealings with land is that it would interfere with equitable mortgages by deposit of title deeds, such as are common between bankers and their customers. But that such securities, at least when accompanied, as they generally are, by a memorandum of deposit, can be and are registered at present, and that no mischief arises from the practice, is shown by the evidence of the deputy-registrar for the West Riding District, while there seems to be nothing in their nature to exempt them from registration." This recommendation will throw a considerable obstacle in the way of the passing of the amending Bill proposed to be introduced by the Yorkshire bankers next session.

THE JUDGES of the Chancery Division have occasionally dispensed with an affidavit of no settlement when paying out of court small sums to married women, and this course was followed by Mr. Justice PEARSON last week in *Guest v. Newman* (*ante*, p. 99). To dispense with the separate examination of a married woman having an equity to a settlement, when the amount to be paid is small, has, of course, become an established practice, but the dispensation with the affidavit of no settlement is a very different matter. It is obvious that any sum, however small, and however unlikely to be settled, might possibly be the subject of a settlement, and the court can have no power to pay to the married woman money which had been assigned to her trustees. What would happen if the court did so it is not easy to conjecture, and the practical lesson we wish to enforce is that it behoves solicitors to be extremely careful, before asking the court to dispense with the affidavit, to ascertain that there exists no settlement.

A CORRESPONDENT most properly calls attention to the following extraordinary advertisement in a recent issue of the *Times*:—

"Law.—To Barristers.—A City Solicitor, in large practice, can introduce good Briefs to a young Counsel.—Address, ____."

The "young counsel" who accepts this proposal will deserve the attention of the Benchers of his Inn. And we think that the advertisement is not unworthy of the consideration of the Council of the Incorporated Law Society!

INFANTS' MAINTENANCE UNDER THE CONVEYANCING ACT.

SINCE the appearance of our last number, a case (*In re Dickson, Hill v. Grant*), of which the reader will find a report in another column, has been decided by Mr. Justice Kay, which we do not hesitate to call the most important case yet decided under any of the sections of the Conveyancing Act of 1881. The facts, so far as they are material to the present purpose, can be stated in a very few words. A testator had given certain legacies to certain infants, contingently upon their respectively attaining the age of twenty-one years, with an absolute residuary gift of his estate to certain other persons. It is to be taken, for the purpose of this discussion, that the infants were not entitled to the intermediate income arising from the contingent legacies during the period previous to the vesting of the legacies. The question arose whether the intermediate income could, under these circumstances, be applied by the trustees of the will for or towards the infants' maintenance, by virtue of section 43, sub-section (1), of the Conveyancing Act of 1881. The question appeared to the learned judge to be of such difficulty, that he ordered it to be twice argued before he gave his decision. After this mature deliberation and prolonged debate, the learned judge held that such intermediate income cannot be applied for maintenance; and that the provisions of section 43 do not extend to cases in which the infant is not contingently entitled to the income which is proposed to be applied for maintenance, as well as to the fund from which it arises.

We sympathize very keenly with the feelings which induced the learned judge to come to this conclusion; nor do we venture to impugn its soundness. At the same time, the decision is manifestly and undeniably contrary to the express language of the Act; and the circumstances under which the language of the Act was constructed by the Legislature, are such as to suggest that it could not possibly have had any other intention than to anticipate, and to exclude, the meaning which the learned judge has put upon it. We do not venture to say that the learned judge is in the wrong in his construction of this section of the Act; but we do venture to say that if he is in the right, then the section itself must be a scandalously ill-constructed piece of legislation.

Section 43 of the Act of 1881, as our readers are no doubt aware, replaces section 26 of Lord Cranworth's Act (23 & 24 Vict. c. 145). The language of the two enactments is, to a large extent, the same. Both provide that where any property is held by trustees in trust for an infant, either absolutely or contingently on his attaining the age of twenty-one years, the income may,

Dec. 13, 1884.

THE SOLICITORS' JOURNAL.

III

subject to certain conditions, be applied for maintenance. The language of Lord Cranworth's Act upon this point is as follows:—"It shall be lawful for such trustees . . . to apply for or towards the maintenance or education of such infant the whole or any part of the income to which such infant may be entitled in respect of such property." The language of section 43 of the Conveyancing Act is:—"The trustees may . . . apply for or towards the infant's maintenance, education, or benefit the income of that property, or any part thereof." The former language expressly restricts the income which may be applied for maintenance to income to which the infant may be entitled; the latter language pointedly omits and withdraws that restriction.

Surely this change of language is, by itself, of a striking, even startling, character. Does it seem at all probable that the Legislature would go out of its way to make changes of this sort without intending that any meaning whatever should be attached to them? But it so happens that, during the interval which elapsed between the passing of the two enactments, a very important and well-known case had been decided, which gives a marked emphasis to the change in the language of the later enactment.

In the case of *In re George* (L. R. 5 Ch. D. 837), the circumstances were, in all respects essential to the decision of the particular question now before us, the same as in *In re Dickson*. There, also, the question arose whether maintenance could be given to an infant out of the income of a fund to which the infant was contingently entitled, without also being contingently entitled to the intermediate income. This case, of course, came up for decision under section 26 of Lord Cranworth's Act. The question must even then have been a difficult one, for Vice-Chancellor Hall and the Court of Appeal took opposite views of what should be the answer. The Vice-Chancellor held that the intermediate income might be applied in maintenance. The Court of Appeal reversed his decision, and held that it could not. And the judges of the Court of Appeal expressly stated that they came to this conclusion in consequence of the words of the Act, "may apply the whole or any part of the income to which such infant may be entitled."

Now, these things being so, the Legislature proceeded, about four years afterwards, to revise the section of Lord Cranworth's Act under which the case of *In re George* was decided. In the course of this revision it struck out the words, *the income to which such infant is entitled*, which had been the express ground of the decision of the Court of Appeal in *In re George*, and substituted for them the words, *the income of that property*. What would reasonable people, who knew the circumstances under which this change had been made, suppose its meaning to be? Could they be expected to suppose that such a change had simply no meaning at all? And if they did suppose such a thing, what opinion would they be likely to have of the other people who had wantonly made such a startling alteration in the language of the law, without intending thereby to make any alteration in the law itself?

It is proper here to observe that the alteration in question does not appear in the corresponding part (clause 37) of the Bill originally introduced into the House of Lords by Lord Cairns. It seems to be one of the "amendments" which the measure suffered in its course through Parliament.

To return, however, to the question immediately before us, it seems plainly to be the opinion of Mr. Justice Kay that the above-mentioned alteration in the language of the section has effected no corresponding alteration in the law; and that the law remains, upon this point, in precisely the same condition as when the case of *In re George* was decided.

We repeat that we profoundly sympathize with the feelings which conducted the learned judge to this conclusion. If the Legislature *did* mean what they said, their meaning would have about it an unpleasant savour of appropriating the property of other people; and we are very well satisfied that English judges should view such meanings with extreme suspicion, and that they should accede to such suggestions with extreme reluctance. The learned judge's reluctance was in this case avowedly founded upon the fact that the present enactment, by virtue of sub-section (4), applies to instruments coming into operation before the Act, as well as to those coming into operation after its commencement. And thereby hangs another tale! This provision was highly appropriate to the Bill as it was originally introduced by Lord Cairns, because, so far as concerns the question now under consideration, it merely repeated, *totidem verbis*, the old law; and the changes

of language which it proposed to introduce are all of the most trifling verbal description—such as "the trustees may," instead of "it shall be lawful for the trustees to"—which could not possibly, in the opinion of the most minute critic, have any effect upon the general meaning. But when a change of language is made which, in the plain grammatical sense of the words, points to a radical change in the meaning, and which gathers increased emphasis from the circumstances under which it is made, then we should certainly expect to find the new law made applicable only to instruments subsequently coming into operation. This was, in fact, a great part of the argument upon which the learned judge seems to have relied; and we candidly acknowledge that it is an argument of very great weight. The fact that the Legislature did not alter the time at which the law was to take effect, is undoubtedly a strong reason for supposing that they did not intend to alter the law.

In that case we think that the merely verbal change was one of the most unlucky and unskillful pieces of legislation ever perpetrated. Nothing but "pure cussedness" could account for such a proceeding, if the change was meant to be merely verbal. The old language of Lord Cranworth's Act is, in this respect, at least as elegant as the new language of the Conveyancing Act. For our own humble part we incline to prefer the former. Why, then, make any change? We cannot answer this question: we can only mark the edifying result. One question has already emerged, of such difficulty that an acute and learned judge declined to decide it until it had been twice argued before him. Considering all the circumstances—the plain, grammatical meaning of the Act's language, and the explanatory light thrown upon that language by previous judicial decisions—it cannot be considered certain that Mr. Justice Kay's decision will be universally acquiesced in; especially in view of the manifest difficulty which he felt in arriving thereto. This opens the probable prospect of further litigation; which, upon the hypothesis that the change in the Act's language means nothing, has been wantonly inflicted upon the public. And we see strong reason to surmise, that the question with which we have been concerned in this article is not the only question as to the meaning of section 43 of the Conveyancing Act, which will be found to call for judicial decision.

THE LAW IN THE SIXTEENTH CENTURY.

THE Calendar of the Marquis of Salisbury's MSS. preserved at Hatfield House, Part I., which has recently been issued by the Historical Manuscripts Commission, contains a number of references to the law in those days, which cannot fail to be interesting to legal readers at the present time.

One of the earliest of such references is (p. 13) an order of the Court of Star Chamber, dated July 5, 1540, in a proceeding between Sir Thomas Wyatt, owner of the lordship of Hoo, Kent, and the Corporation of Rochester, for a new trial in a suit concerning the dredging, gathering, and laying of mussels within the limits of Sheerness and Hawkwood, in consequence of the absence of Sir T. Wyatt, on the occasion of the former trial, as the King's Ambassador in Spain.

At p. 55 one Richard Weston, who appears to have been the London law agent of the Lord Admiral (Seymour), writes a letter to his client, under date of July 19, 1548, which throws some light upon the Long Vacation of more than three centuries ago. The letter seems to be in answer to one asking for the written opinion of two counsel who had already advised in consultation. Mr. Weston says that "Mr. Carell and Mr. Gawde were then in the country, but that at the time of his request to them to know their opinions in the two articles (*i.e.*, the two questions submitted to them), Mr. Anthony Browne, of the Temple, was present for the same cause, and can witness their answers made to the writer. Such lawyers as are of long continuance in study of the law, and in estimation, therefore, for their knowledge and judgment, are now out of London in their several countries, whence they will not return till next term; but meantime the writer will do his utmost to get the opinions of as many of the best sort as are in London, following his lordship's will and pleasure touching all such as shall refuse the declaration of their opinions on the same." He then excuses himself for not having waited upon his client, "for that we have very late been visited with the plague in the Temple, which yet continueth," and he concludes with referring to a lease, which, he says, is not yet sealed, but when it is finished he will, according to command, retain it till his lordship's return to London.

An exemplification of a decree of the Court of Wards and Liveries, of May 10, 1555 (p. 136), records a rise in the salary of Sir William Dansell, Knight, Receiver-General of the Court, who is stated to have had appointed to him, at the erection of the court, a yearly fee of £100 and £50 yearly for diet, which was afterwards, owing to the increase in the revenues of the court, increased by £43 6s. 8d., and is now further increased to £210 per annum. A letter from Edward Griffin, the Queen's Attorney, to Sir William Cecil, the celebrated ancestor of Lord Salisbury, and the statesman whose papers are catalogued in the Calendar, dated March 27, 1557 (p. 140), says, among other things, that the writer is sorry that Cecil was never of Gray's-inn—which seems to have been, at that time, in its palmiest days—"nor can skill of no law."

The importance attributed in those days to the study of the law is further illustrated by the "considerations delivered to the Parliament, 1559" (p. 162), which suggest, as one of the points to be taken into consideration, "that none study the laws, temporal or civil, except he be immediately descended from a nobleman or gentleman, for they are the entries to rule and government, and generation is the chiefest foundation of inclination." Several others of these considerations are also well worthy of notice. Thus, it is suggested that the repealed statutes concerning idle persons and vagabonds being made slaves should be revised with additions; that labourers and servants should be forbidden to depart out of the hundred or place where they dwelt, and that no servant should be engaged without his producing a character from his last master, sealed by the constable or churchwarden with the parish seal, so that servants might be reduced to obedience; that limitations should be imposed on the purchase of land, according to the position in life of the purchaser, the restriction being evidently imposed, not to keep a supply of land in the market, but to prevent persons of lower degree from viewing with the territorial magnates of the upper classes. Thus, for instance, it is proposed to lay down that no merchant shall purchase above £50 a year of inheritance, except aldermen and sheriffs of London, who, "because they approach to the degree of knighthood," may purchase to the value of £200. The bankruptcy law of the time, as of all other times, seems to have been thought unsatisfactory, for it is suggested that bankruptcy should be made felony, and bankrupts' goods and lands be sold and divided among their creditors, after the statute of 34 Hen. 8, provided that if all his creditors join in petition for his pardon, he have it allowed for the first time. "Where a poor thief doth steal a sheep or pick a purse, they come away with hundreds and thousands at least, and undo a great many honest men." It is singular to see how events repeat themselves, though a creditor's petition at the present day is not quite what was contemplated here, and the present tendency is to deny creditors' ability to look after their own interests, instead of leaving them to look after their debtors as well. The sugar trade would like to see the proposal revived and carried that no sugar should be made within the realm, for it is counterfeit and unwholesome, and that none be brought into the realm but pure and simple as it cometh out of the cane. The sheriffs seem to have been regarded with some suspicion, as one suggestion is, "None to be sheriff of more than one shire at once; his under-sheriff to be resident in his house to answer for his defaults." Besides the above, there are proposals respecting the maintenance of husbandry, apprentices, schoolmasters, the education of the nobility, licences, perjury, and many other things, some of which show very clearly that the laws of political economy were not understood in those days in the same way as at present, any more than were political ethics.

At p. 272 we have the report of a commission of inquiry as to the validity of the marriage between Lady Catherine Grey and the Earl of Hertford, declaring the marriage to have been unlawful; and, even before this report was made, there is a letter from Sir John Mason to Cecil saying that Lord Hertford ought to be punished by the Star Chamber, the judicial maid-of-all-work of the day. At p. 286 are a set of instructions issued to the vice-admirals and other commissioners appointed for the suppression of piracy, the general effect of which is that they are to protect ships of foreign countries, especially those of Spain, from the depredations of British pirates, by which are apparently intended the privateering vessels which afterwards did such good service against the Armada, and had, for many years previously, been plundering the Spanish treasure-ships and merchantmen. Some English prisoners of war (p. 292) beg the English Ambassador in France to procure their release from the French galleys, to which they had been sent, hardly in accordance, it would appear, with the laws of war of even that time. On the other hand (pp. 297-8), one Angier de l'Estrille, an inhabitant of Calais, having been brought to England as a prisoner of war, complains of his having been illegally captured and tortured, but three commissioners, appointed to inquire into the case, give their opinion in the Court of Arches deciding in favour of the legality of the capture. In the same year (1564), but later (p. 314), one William Cardynall, a justice of the peace, is suspended from his office and directed to repair at once to the Lords of the Privy Council to answer the charges made against him of using

unfitting words against Mr. Seckford, the Master of the Requests. On the 10th of March, 1564-5 (p. 318), the inhabitants of Jersey petition the Privy Council that the practice of issuing process against them out of the High Court of Chancery and other courts, contrary to the privileges of the island, may be put a stop to, and enclose an extract from their charter, which was evidently as strenuously defended then as now, when the Channel Islands object to have the slightest provision affecting them inserted in an Act of Parliament. A letter on a political subject from Sir W. Cordell, Master of the Rolls in 1586, is given at p. 341.

One of the most curious documents mentioned in the volume is a letter (p. 453) from one John Handford to Sir W. Cecil, whom the writer addresses in by no means courtly language. The occasion of the letter is a Star Chamber suit in which Sir Richard Wenman was plaintiff and Handford defendant, and Handford complains bitterly of the strong expressions used with respect to himself, and of the severity of the decision, which, he says, is already to the "foul reproach and dishonour" of his judges. He accuses the plaintiff and his advocates of "shameless, slanderous shifts and subtleties," describes the Lord Keeper's "devilish decree" as being already passed and entered to the plaintiff's own pleasure, and threatens a last appeal to the Queen in person. Then, after some more decided expressions with respect to his antagonists, he comes to say that the only cause of his petition is to procure Cecil's gracious pity against a presumptuous plaintiff, and that he is falsely charged with the forgery of a lease, which had led to a suit in chancery, described at length, and he concludes by offering to give a full disproof of all slanders against him. The letter is dated from the Fleet.

A curious variety of semi-legal proceeding is recorded at p. 492, in which the Privy Council communicate to the Cambridge University authorities their decision in the matter of an accusation brought by a Mr. Rockrey, a fellow of Queen's College, against Dr. Chatterton, the master, which the accuser had failed to substantiate. The Council accordingly reprimanded Rockrey and ordered him to repair to the University and submit himself to such order as the authorities, before whom he had first produced the accusation, should declare to him as the decision of the Council. This decision is that Rockrey should be called in and required to ask the master's forgiveness, which the latter is to grant on request. If Rockrey is contumacious he is to be imprisoned, without the privilege of bail, until the further pleasure of the Council is known.

International lawyers will probably be interested in a very decided note from Queen Elizabeth to the Duke of Alva (p. 574), in which she says that she need not repeat how long she has maligned the Spanish ambassador, and that she knows not why this unmeet and ungrateful person is not revoked. As she finds that he has increased his practices to disturb the State and stir up rebellion, she can no more endure him to continue than a person that would secretly seek to inflame the realm with firebrands, and has therefore given him order to depart, without entering into any particular debate, whereunto he is naturally given.

Without going further into the contents of this volume, it may be sufficient to say that here are to be found materials in abundance for throwing light on the cases of Mary Queen of Scots, of whom an interesting description is given at p. 400, of the Bishop of Ross, and others—e.g., the Duke of Norfolk, who was tried and executed in 1572. Lincoln's-inn and Chancery-lane are mentioned, and the name of Nicholas Bacon, Lord Keeper, occurs in several places. Any one who opens the Calendar can hardly fail to discover for himself fresh matters of interest.

The subject of the recent sales of Clement's-inn, Staple-inn, and Barnard's-inn is understood to be engaging the attention of the authorities of the Local Government Board.

The *Albany Law Journal* cites the following extract from a judgment of Chief Justice Jackson, of Georgia, reported in 70th Georgia Reports:—"Unfortunately for the Dahlonega Company, however, it dealt with the Battle Branch Company as a corporation repeatedly, in respect to the waters of this very ditch; it actually obtained its permission to use those waters; it did use those waters under that permission for years; it dealt with its attorneys, its presidents, its superintendents and managers, as attorneys, presidents, superintendents and managers of a corporation known and recognized by it as the Etowah and Battle Branch Hydraulic Hose Mining Company. It called it by the name, the long name, the very remarkable and distinguished name, by which it was clearly distinguishable from all the world of creatures, corporeal and incorporeal, and which it had received by baptism at the christening font of the General Assembly of the State of Georgia. Surely such a recognition of the infant by name; such a dandling and handling it; such billing and cooing with it; such reception of gifts and favours from it; such drinking the water of the child's ditch by permission of the little creature, must estop in all courts, both of law and equity, the recipient of such favours from denying the existence—the breath in the body of the being with whom it thus dealt so long, and from whom it received (much of it without money and without price, too) so many favours."

In an
the
some
indisc
partic
all tha

To
matte
tie be
presu
his ag
paper
matter
though
belon
severa
is a l
formal
crude
he en
them
have
indif
the r
from
secou
differe
alike
as it
ing—
The
rudin
rudin
circu
hi
peri
and
whic
N
class
tation
affai
thin
tor
wa
ver
by
do
old
su
in
co
la
do
th
th
tu
an
te
hi
be
le
of
pa
so
m
P

Requests of Jersey
s against
contrary
close an
enuously
have the
liament,
er of the

me is a
om the
asion of
an was
tterly of
the soul
re-
tiff and
cties,"
y passed
t appeal
ssions
cause
mptu-
y of a
h, and
against

p. 492,
iversity
at by a
erton,
Coun-
air to
rities,
are to
should
ch the
to be
measure

decided
which
d the
t and
eased
an no
seek
him
here-

ay be
e for
n an
and
ed in
the
aces.
self

and
ties

t of
the
ose
eal
, as
tion
lic
the
in
and
ral
the
nd
ng
st
rs
ut

THE ORGANIZATION OF A SOLICITOR'S OFFICE.

I. ORGANIZATION GENERALLY.

7. THE SOLICITOR'S WRITTEN COMPOSITION.

In an earlier article we ventured incidentally to express an opinion to the effect that the written composition of solicitors has undergone some deterioration in modern times as the result of adopting too indiscriminately the habit of dictation to shorthand writers. That particular line of observation does not, however, we think, exhaust all that can usefully be said on the subject, and we now propose to follow up some other trains of thought.

To begin at the beginning, what is the solicitor's training in the matter of composition? If he has graduated at one of the universities before entering into his articles, he will presumably (though the presumption is not invariably borne out by the result), by reason of his age and standard of education, have no difficulty in expressing on paper what he wishes to say in moderately good English as a mere matter of composition. This applies, however, only to a very small, though increasing, fraction of the sum total of articled clerks. If he belongs to the very much larger proportion who pass, at the age of seventeen or thereabouts, from the school to the solicitor's office, it is a matter of common knowledge to all who have the opportunity of forming an opinion on the point that he will generally have the most crude and elementary ideas of the first principles of composition. If he enters the gates of the profession after having remained outside them for many years in the capacity of a clerk, he will generally have become encrusted with a style of composition good, bad, or indifferent, which will be quite beyond the reach of alteration during the remainder of his natural life. This last class may be discarded from consideration for our immediate purpose. Of the first and second it may be said that they approach their legal education at different stages of intelligence and mental aptitude, but that each alike will, of necessity, be wholly ignorant of the art of composition as it concerns the solicitor in a professional sense. That is the starting-point.

Then comes the period of service under articles in which the rudiments of this art should manifestly be learnt. We say the rudiments, because the student cannot, in the most favourable circumstances, hope to acquire in the three, four, or five years of his apprenticeship the skill which comes of long practice and experience—the instinct to reject what is immaterial and lay stress on what is of importance; to touch the weak points with a light hand and array the strong ones to the best advantage; to write the letter which will just meet the needs of a delicate and critical situation.

Now, concerning these rudiments, there are two widely different classes of composition to which the solicitor has to turn his attention. There is, first, the kind of composition represented by deeds, affidavits, and other technically expressed documents. The mastery of this means the mastery of an important part of the work of a solicitor. And there is, secondly, the kind, not less important in its way, and in many respects far more difficult, which admits of the vernacular in everyday use among educated people, and is represented by letters, cases for opinion of counsel, reports, briefs, and other documents not couched to any appreciable extent in legal phraseology. The acquirement of this latter art is based upon general education as its foundation, and on this is, or ought to be, built a superstructure of trained intelligence and acquired habits of reasoning, finding expression by the outlet of the pen. These two classes of composition have nothing whatever in common except the English language, and not even that to the full extent, as in technical legal documents there are words to be found which mercifully do not see the light in any other company.

We think that while, as to the first of these classes of composition, the articled clerk, taking him all round as a species, has good opportunities of learning his profession, he has something to complain of in the matter of neglect as to the second. He may, if he is diligent and favourably circumstanced, have deeds and affidavits and other technical documents to copy, to draw, and otherwise to familiarise himself with, to his heart's content. But it is, to the best of our belief, the exception, and not the rule, to afford him much chance of learning how to write a letter or prepare a case involving any need of originality or skill in expression. This part of the composition of the office will generally be either wholly or partly dictated by the principal to his shorthand writer, or written by him with his own hand, or remitted, in so far as the principal does not himself dispose of it, to some experienced non-admitted clerk who may be trusted to make no serious mistake in substance, though his Queen's English may perhaps be more or less open to exception.

The reason for this unequal distribution of training is not very far to seek. When an articled clerk is instructed to draw a deed, there will usually be no difficulty in lighting a lamp for his feet which will make the road before him easy travelling. It may be that

he will be given as a model the draft of another deed, which he may follow almost *verbatim*, or a precedent in some standard work which is pretty nearly in point. It follows that, when the principal comes to look over his work, the task of correction will probably be confined to verbal alterations; or the pupil will be directed to insert some particular clause or clauses, pointed out to him, which he has omitted; or to alter some form of expression throughout from one thing to another. And even this moderate amount of supervising labour will often be discharged vicariously through a managing clerk. If the deed is of special difficulty, the articled clerk will probably not be asked to draw it, but will have an opportunity given to him of reading it, or he will perhaps take it down from dictation, or be encouraged to make an attempt at it, with the aid of more or less special instructions, as a ground-work for his principal to fill in. There will be, in short, in the case of the technical document, a clearly marked out track in which the principal will have little difficulty either in guiding or following the footsteps of his clerk.

But this bears no analogy to the other form of composition. No two people would write alike a letter embracing any number of ideas, or array the facts of a case in the same way. When once the precedent or form is put aside and originality of mind is let in, different intellects will arrive at the same result by totally different ways. The solicitor whose time is heavily occupied, or who discharges his duty to his articled clerk in a more or less perfunctory fashion, will have no patience to wade through the draft of a crudely-conceived brief or case which will admit of no easy method of revision, but must be gone through line upon line, with the result, perhaps, of finding a profusion of carts placed before horses, confident statements of fact unsupported by evidence, the material subordinated to the immaterial, points omitted, events confused, and all the other shortcomings which may be forgiven to the beginner who is floundering out of his depths. And as to his letters, again, he will perhaps dash them off personally or by dictation to a shorthand writer just before leaving at night (when the articled clerk has long disappeared, bent on the study of Stephen's Commentaries or perhaps occasionally some lighter form of recreation), and at other odd moments when he has the time and opportunity. Thus the articled clerk, in so far as this part of his education is concerned, is left to a great extent to pick his way as best he can. And although it is, of course, always more or less open to him to read and study the writings of others, it is scarcely to be expected of him at that period of his life that he will derive from his own inner consciousness a sufficient appreciation of the importance of that which does not, as he observes, appear to be regarded as falling within his province, or to be pressed on his attention, to bestow any great amount of time and study on what he may well conceive to be a work of supererogation. Still further, even if he does to the best of his ability take advantage of such opportunities as these, he will still lack the great incentive and practical assistance afforded by personal effort—he will not be able to profit by his own mistakes. The man whose opportunities of learning to swim have been limited to standing on the brink and watching other people indulging in that exercise would scarcely feel comfortable if he found himself in twelve feet of water with no assistance at hand.

There is another point connected with this educational view of our subject which is, we think, worthy of notice. In large offices the articled clerk is often, as it were, affiliated during all or part of his time to managing clerks. He will naturally imbibe their tone and style as his earliest and most rooted impressions of the work of a solicitor. In some cases he may do so with the best advantage to himself, but in the particular matter of composition, detached from precedent and technicality, he will, in many more cases, not be learning in a good school. It is, for example, no disparagement to the type of non-admitted managing clerk, who may have risen most creditably from the office-boy's seat to his present position, to say that he is rarely seen at his best when inditing a letter. From no fault of his own defects of early general education, inferior social surroundings, and the absence of training in law as a science, will generally peep out to the disfigurement of his composition. His long experience may enable him to say what is actually necessary, but he will not say it in the best way. Without wishing to overlabour or attach too much importance to this argument, we think that it serves incidentally to strengthen the opinion which we venture to hold—that the solicitor's early legal training is not, in general, favourable to the development of proficiency in the class of composition on which we have been dwelling.

We freely confess that, in this, as in many other things, it is easier to point out the disease than to suggest the remedy. We are personally of opinion that the root of the evil may be traced in part to defects in the system of education adopted in many of the public schools in this country. Certain it is that most lads of seventeen, fresh from school, are wholly incapable of expressing themselves in good English on paper. The solicitor to whom such a lad is articled speedily discovers this to be the case, and, having no time or inclination to play the rôle of schoolmaster, makes no sustained effort to teach his pupil the elementary laws of composition in their application.

professional work. But to suggest to the profession in these pages a crusade against any feature or defect of public school education as it exists would hardly evince practical common-sense on our part. Moreover, to the solicitor in practice to-day, the disadvantages which we have pointed out—assuming their application to his particular case—admit of no remedy, having reference, as they do, to times and seasons which are past recall. He does not possess a magic spell which will enable him to change places with his own articled clerk or boy at school, after the manner of the elderly gentleman and his son in "Vice Versa"; and if he is tempted to trace, with regret, to the weak points of some part of his student life disagreeable after-consequences, he must needs summon to his aid the philosophy which subscribes to the homely axiom that what cannot be cured must be endured. What we do, however, suggest is that solicitors might, with advantage, be more alive to their responsibility in this matter to the rising generation, and recognize, even at some cost of personal convenience and expenditure of time, how intimately it concerns the honour and dignity of a great profession that its members should be able to express themselves with the pen in language befitting educated gentlemen and skilled lawyers.

In our next article we propose to resume this head of our subject, without reference to educational considerations.

CORRESPONDENCE.

THE MIDDLESEX REGISTRY.

[To the Editor of the *Solicitors' Journal*.]

Sir.—In an editorial note last week you ask what has become of the action, *Munton and another v. Lord Truro*.

The profession is well aware that, at a large meeting of the Incorporated Law Society, it was unanimously resolved to support me in my effort to test the legality of the fees charged at the registry. Shortly before the commencement of the Long Vacation (the case having been set down for hearing) the Attorney-General introduced a Bill to entirely reconstruct the registry, and, after a discussion with Lord Truro's solicitors, I consented to allow the action to stand over. The Bill was afterwards included in the "slaughter of the innocents," and I then contemplated pushing forward the hearing in November. I learn, however, on good authority, that it is intended to re-introduce the Bill early next session, and the matter thus stands over for a time. There is no personal feeling. It is a sort of time-honoured scandal which will be better swept away by statute than by attack on an official who, rightly or wrongly, has inherited the position.

It may interest your correspondent and other uninitiated practitioners to shortly state what the contest in the action is. I had given up the fancy fee of seven shillings for the last ten or fifteen years, and the test case I singled out was one where five shillings was charged, the memorial being exactly 200 words long. I contend that one shilling only is the correct fee. I deny the right to charge a shilling for the indorsement, and I likewise deny the half-crown for oath and exhibit.

FRANCIS K. MUNTON.
95A, Queen Victoria-street, Dec. 8.

The *Central Law Journal* gives the following authentic narrative of a scene in court:—"Now," said the judge, addressing a witness who had failed to obey a summons, "I shall make an example of you. This court has been run over long enough by such men as you are, and I think that about three months in the country would do you good." "I had a reasonable excuse for not coming, judge." "What was your excuse, sir?" "Sickness in my family." "That's what they all say." "You see, judge, my wife died of cholera the day before yesterday, and—." The court did not hear the rest of the excuse—the sheriff and prosecuting attorney, the lawyers—all were gone.

At the Worship-street Police Court on the 5th inst., a question as to the procedure in prosecutions under the Education Act came before Mr. Bushby. A man had been summoned for neglecting to provide proper education for his young son. It appeared, however, that there had been a definite agreement between the husband and wife to live apart; and the defendant pleaded that he was not responsible, as his wife had custody of the boy, and he did not interfere in the management of the child. In giving judgment, Mr. Bushby said that in this case the man and wife having mutually separated, not temporarily but definitely, and the mother having the custody of the child, the proper person to summon was, in his opinion, the wife. He had looked at some cases quoted by Mr. Hetherington, the officer conducting the case, but the present question had not been decided in connection with similar circumstances. The Education Act, in his opinion, had nothing to do with matrimonial arrangements, and could not be so worked as to force reluctant spouses together; but on the whole he thought that, for the benefit of the child, he could not do better than decide that the mother was, in this case, the proper person to proceed against. He, therefore, dismissed the present summons against the father, but as this was the first magisterial decision of the question, so far as he knew, he would grant a case, if asked to do so.

CASES OF THE WEEK.

COURT OF APPEAL.

Poor Rate—OVERSEERS—COSTS OF OPPOSITION TO PRIVATE ACT AFFECTING THE PARISH.—In the case of *The Queen v. Sibley*, before the Court of Appeal, No. 1, on the 10th inst., the question was as to the right of overseers to charge the poor rate with the costs of opposing in Parliament a private Bill affecting the parish. In 1881 the Bristol Port and Docks Commission Bill having been deposited, the vestry of the parish of St. George, in the Barton Regis Union, in the county of Gloucester, resolved that the overseers should take such steps, and incur such expense, as they might think necessary to oppose the Bill. The Bill was a private Bill, and contained a clause giving power in certain contingencies to charge the poor rate of the union with the payment of interest on the stock proposed to be created by the Bill. The overseers opposed the Bill successfully, and incurred certain expenses which the district auditor allowed. The certificate of allowance was removed by Sibley, a ratepayer, by *certiorari* into the Queen's Bench Division, where a rule for a *certiorari* was made absolute by Watkin Williams and Smith, JJ., who were of opinion that there was no duty on the overseers to oppose the Bill, and that they were not entitled to charge the expenses on the poor rate (see 31 W. R. 811, L. R. 11 Q. B. D. 308). Lord Coleridge, C.J., and Stephen and Lopes, JJ., having quashed the certificate, the overseers appealed. The court (BRETT, M.R., COTTON and LINDLEY, L.J.J.) allowed the appeal. BRETT, M.R., said that overseers are not mere ministerial officers. They have to lay a rate which will meet the requirements of the year, and the rate must not upon the whole produce more than it fairly ought. It is also part of their duty to see that no improper burden is imposed on the parish. It followed from that if in a settlement or any other rating case they are of opinion that a burden should not be imposed on the parish, they are empowered by the necessity of the case, as the officers of the parish without remuneration, to defend the rate. It necessarily followed that expenses incurred rightly by overseers in defending the rate have been always allowed. It had been argued before the Divisional Court that that right did not extend beyond settlement and rating cases. But in the case of *The King v. The Inhabitants of Essex* (4 T. R. 591), which had not been cited below, the court held that in a case analogous to a settlement or rating case, where overseers were defending the rate from a burden which should not be put upon it, the same rule of law was applicable. That rule would not apply to the costs of opposition to a public Bill which should be considered as for the benefit of the whole country. Nor could overseers promote a Bill for the purpose of relieving the rates. The principle was confined to mere defence against an attack on the rates. In the circumstances of the case in question it was reasonable that the overseers should oppose the Bill, which was a private Bill, and sought to throw a burden on the rate in favour of the promoters; and, on the principle of the authority cited for the first time on appeal, the expenses should be allowed, and the judgment of the Divisional Court reversed. COTTON and LINDLEY, L.J.J., were of the same opinion.—COUNSEL, Charles, Q.C., and Pitt Lewis; H. Mathews, Q.C., and A. Glen; H. D. Greene and Wigram. SOLICITORS, Meredith, Roberts, & Mills; Peacock & Goddard, for Mullings, Ellett, & Co., Cirencester; Warry & Robins, for J. Dix, Bristol; Gregory, Roccliffe, & Co., for Benson & Carpenter, Bristol.

IRREGULAR ORDER OF COUNTY COURT JUDGE—ACTION AGAINST COURT OFFICIALS ACTING UNDER THIS ORDER, AND AGAINST PARTY OBTAINING THE ORDER—13 & 14 VICT. c. 61, s. 19—15 & 16 VICT. c. 54, s. 6.—In the case of *Aspey v. Jones*, before the Court of Appeal, No. 1, on the 9th inst., the question was whether the registrar and high bailiff of a county court, and also a party at whose instance an order alleged to have been made without jurisdiction had been obtained, were liable in respect of a seizure of goods made under a warrant issued in pursuance of such order. An execution was levied under a *J. fa.* on the goods of one Moreland, under a judgment obtained against him by the plaintiff in the Brighton County Court. Thereupon Moreland told the sub-bailiff that the goods were the property of one Bennett, who confirmed the statement. The bailiff told Bennett that he could pay the amount of the execution into court, and give a written notice of his claim. Moreland then went out and borrowed some money, and on his return told the sub-bailiff what he had done, and gave him the amount of the judgment, and also a copy of the following document signed by him:—"I have paid the sum of £3 11s. 9d. to the court in *Aspey's case* under protest to abide the event of an interpleader summons. N.B.—It is borrowed money." The bailiff pinned the paper to the warrant, and, having quitted possession, gave the money, warrant, and paper to his superior officer. He considered that the money having been borrowed by Moreland was his, and not Bennett's, and that the money ought to be treated as having been paid in satisfaction of the judgment, and not to abide the event of the interpleader proceedings. He, therefore, deducted a sum for poundage, and handed the warrant to the registrar's clerk without telling him of the claim, or drawing his attention to the paper, intending him to treat the money as paid in satisfaction of the judgment. The money was so treated, and was paid out to the plaintiff. That fact having come to the knowledge of Moreland, he complained to the judge, and finally the matter was heard in the presence of the plaintiff, and the judge held that the money should be dealt with according to the terms on which it was paid. He accordingly made an order which recited that the money was paid to the bailiff on behalf of Bennett, to abide the event of an interpleader summons, and that it had been erroneously paid to the plaintiff, and ordered that the plaintiff should pay the money into court on service

of an interpleader summons to be issued, and that in default Bennett might recover the amount from the plaintiff by issuing a warrant of execution. The money not having been paid, a warrant was issued under the hand of the registrar and the seal of the court, and the plaintiff's goods were seized in accordance therewith. For such seizure the plaintiff brought an action of trespass against the registrar and high bailiff of the county court, and against Bennett, alleging that the county court judge had no jurisdiction to make the order. It was admitted that the clerk of the registrar and the officers of the high bailiff had acted within the general authority given to them by their respective superiors. The case came before the Divisional Court on a special case, and Denman and Williams, J.J. (*diss.* Manisty, J.), gave judgment for the defendants, holding that they were protected by statute. The court (BRETT, M.R., and Cotton and LINDLEY, L.J.J.) dismissed the appeal. BRETT, M.R., said that for the purposes of his judgment he should assume that everything which was done by the county court on the occasion in question was irregular, and further, that the judge had no jurisdiction to make that part of his order which directed the warrant to issue. The warrant was drawn up by the registrar in accordance with the order, and the seizure was in conformity with the directions in the warrant. The action was for the seizure, and not for any irregularity in the mode of seizure. The defendants were all protected by statute. The meaning of 13 & 14 Vict. c. 61, s. 19, was that a bailiff is to be protected on the production at the trial of a warrant under the hand of the registrar and the seal of the court. Therefore the high bailiff was protected. The registrar was sued, not for having made an improper warrant, but for that which was done in accordance with the warrant; therefore, according to *Dews v. Riley* (11 C.B. 434), he would also be protected by the section. The statute 15 & 16 Vict. c. 54, s. 6, also protected the registrar and bailiff, and also anyone who submitted his case to the court as a court, and obtained the warrant and order of the court. Therefore Bennett was protected. The appeal should be dismissed; but, in the circumstances, without costs. Cotton and LINDLEY, L.J.J., were of the same opinion.—COUNSEL, Gates, Q.C., and Corrie Grant; Danckwerts (with him Sir H. James, A.G., and R. S. Wright). SOLICITORS, Baker, Blaker, & Hawes, for Schomberg, Brighton; Hare & Co.

INTERROGATORIES—NULLITY OF MARRIAGE—JUDICATURE ACT, 1873, ss. 16, 23.—In the case of *Harvey v. Lockin*, before the Court of Appeal, No. 1, on the 6th inst., the question was as to the power of the Divorce Court to administer interrogatories in a suit for nullity of marriage. The petitioner alleged that, at the time of his marriage with the respondent in the suit, she was a married woman. She answered that, at the time of the alleged former marriage, she was a married woman, but that her then husband had died before her marriage with the petitioner. The petitioner, having obtained leave from the registrar to administer interrogatories to the respondent, put interrogatories with the view of showing that she was a married woman at the date of his marriage with her. The order of the registrar having been affirmed by Butt, J., the respondent appealed. It was contended that the Ecclesiastical Court had no jurisdiction to administer interrogatories in a suit for nullity; that, up to the Judicature Acts, there was no such power in the Divorce Court; and that, by ord. 68, r. 1, the rules and orders did not apply to that court. There was a further point that the interrogatories should not be allowed, as they necessarily tended to criminate the respondent. The court (BRETT, M.R., and LINDLEY, L.J.) dismissed the appeal. BRETT, M.R., said that the Ecclesiastical Court had the power of examining parties on oath, and administered interrogatories. That was shown by the case cited in *Hare v. Discovery* at p. 89, and by the cases in which the chancery courts had refused discovery in a matter pending in the Ecclesiastical Court, on the ground that that court had the power in itself. But, even if that practice had not existed, the power would be given to the Probate and Divorce Division by sections 16 and 23 of the Judicature Act, 1873, the effect of which is that each and every part of the High Court has all the powers which belong to any of the courts absorbed into the High Court. As to whether the interrogatories should be allowed, the objection could not be taken at the present stage of the case, but when the respondent declined to answer. LINDLEY, L.J., was of the same opinion. It was because the Ecclesiastical Court had the power that discovery was refused in *Dunn v. Coates* (1 Atk. 288), *An.* (2 Ves. Sen. 450). The decision in *Euston v. Smith* (32 W. R. 596, L. R. 9 P. D. 57) was amply justified by sections 16 and 23 of the Judicature Act, 1873. The other point was covered by *Allhusen v. Labouchere* (27 W. R. 12, L. R. 3 Q. B. D. 655).—COUNSEL, Safford, W. T. Barnard. SOLICITORS, Wood, Bigg, & Nash; Le Brasleur & Oakley.

HIGH COURT OF JUSTICE.

PRACTICE—R. S. C., 1883, ORD. 15, RR. 1, 2; ORD. 32, R. 6—MORTGAGE—FORECLOSURE—JUDGMENT ON ADMISSIONS.—In the case of *Davis v. Smith*, before Chitty, J., on the 21st ult. and 5th inst., the plaintiff in a foreclosure action having moved under ord. 32, r. 6, for an order in accordance with the claim in his statement of claim, or that such foreclosure or other order might be made as he might be entitled to upon the admissions contained in the statement of defence or otherwise (*Barnard v. Wieland*, 30 W. R. 47), was met by the objection that the defendant had, by his statement of defence, not admitted the mortgage deeds. Chitty, J., on the 21st inst., allowed the objection, declining to follow *Rutter v. Tregent* (27 W. R. 902, L. R. 12 Ch. D. 758), but gave the plaintiff leave to amend his notice of motion so as to move, under ord. 15, r. 1, for an account and necessary inquiries and directions. This having been done and the matter again coming before the court on the 5th inst., the plaintiff claimed to be

entitled under the order in question to the ordinary judgment for foreclosure *nisi*. CHITTY, J., said that he had no doubt as to the practice of the late Master of the Rolls under the old rule (Rules of Court, 1875, order 15). It was, when the account was asked in a mortgagor's redemption action, not to direct an account unless the mortgagor put himself under the condition of being foreclosed if the result should be against him. The old rule having been amended so as to extend to all cases involving accounts, it would appear that, where the action was a mortgagee's foreclosure action, the proper course would be to make, under the new rule, the usual decree or judgment for an account and foreclosure *nisi*. Such an order was not a final order, but a decretal order, and would do justice in cases where, in the terms of the rule, there was no preliminary question to be tried. He was of opinion that the plaintiff in the present case was entitled to such an order, but as the application under ord. 15, r. 1, was, by ord. 15, r. 2, to be made by summons in chambers, the plaintiff would not be allowed any additional costs incurred by moving in court.—COUNSEL, F. T. Procter; W. Young Clare. SOLICITORS, H. B. Cobb; J. Pettengill.

INFANT—MAINTENANCE—CONTINGENT LEGACY—INTERMEDIATE INCOME—CONVEYANCING ACT, 1881, s. 43.—In *In re Dickson, Hill v. Grant*, which came before Kay, J., on the 29th ult., and on the 5th and 6th inst., the question arose whether, under section 43 of the Conveyancing Act, 1881, an infant contingently entitled to a pecuniary legacy on attaining twenty-one could claim maintenance out of the intermediate income which would never, according to the terms of the will, belong to the infant. In other words, the question was whether the 43rd section was intended to embody the principle unsuccessfully contended for in *In re George* (L. R. 5 Ch. D. 837). Under the will of a testator legacies of £1,000 were given to each of a class of persons (to whom the testator did not stand in *locum parentis*) who should be living at the testator's death and attain twenty-one, and the residue was devised and bequeathed to his nephews and nieces. KAY, J., held that the infants were not entitled to maintenance out of the intermediate income. The contrary construction involved such a violent interference with the rights of property that could not have been the intention of the Legislature. The section applied whether the will came into operation before or after the Act, and it could not have been intended to take away the income to which the residuary legatee was entitled under the will, especially as he might have formed his plans in life upon the assumption that the income would come to him, at any rate, until each infant attained twenty-one. His lordship, with the concurrence of the author, pointed out a mistake in Mr. Wolstenholme's Conveyancing Acts in a note to the above section in which *In re George* is erroneously referred to instead of *In re Cotton*.—COUNSEL, Hastings, Q.C.; Langworthy; Farcell; J. Lloyd; H. Humphry. SOLICITORS for all parties, Sandiland, Humphry, & Armstrong.

TRUSTEE—REMOVAL—LIQUIDATING DEBTOR—BANKRUPTCY ACT, 1869, ss. 117, 125—BANKRUPTCY ACT, 1883, s. 169—REPEAL—SAVING CLAUSE.—In *In re Lawson's Trusts*, which came before Kay, J., on the 5th inst., the question arose whether, since the passing of the Bankruptcy Act, 1883, the court still retained its power to remove a liquidating trustee under the Bankruptcy Act, 1869. A. was a trustee and beneficiary under the will of his father, dated in 1866. In 1879 he instituted proceedings for liquidation, and in 1884 he obtained his certificate of discharge. He was entirely without means. In 1880 his share under the will of his father was sold by the trustee of the liquidation, and his object in continuing in the trust was to impeach the validity of this sale. The will contained a power to appoint new trustees in the case of death or incapacity. Under these circumstances, a petition was presented by the beneficiaries and the remaining trustees for the removal of A. and the appointment of a new trustee in his place. The respondent appeared in person. KAY, J., held that the power to remove a bankrupt trustee under section 117 of the Bankruptcy Act, 1869, was by section 125 made applicable to the case of a liquidating debtor, and that such trustee might be removed, notwithstanding the close of the liquidation. (*In re Adams* 28 W. R. 163, L. R. 12 Ch. D. 634). The Act of 1869 was repealed by the Bankruptcy Act, 1883, but the repealing clause (section 169) provided that no repeal should affect "any right or privilege acquired, or duty imposed, or liability or disqualification incurred under any enactment so repealed." The power of removing a liquidating trustee was, therefore, not taken away by the Act of 1883. His lordship ordered the respondent to be removed, and a new trustee to be appointed in his place, and disallowed the respondent's costs.—COUNSEL, Eastwick. SOLICITORS, Bonner, Wright, & Co., for Bonner & Calthrop, Spalding.

EQUITABLE MORTGAGE—FORECLOSURE OR SALE—CONVEYANCING ACT, 1881, s. 25 (2).—In *Oldham v. Stringer*, a foreclosure action which came before Kay, J., on the 6th inst., on motion for judgment in default of appearance, the question arose whether an equitable mortgagee, where there was no memorandum of charge and no agreement to execute a legal mortgage, could obtain an order for sale instead of foreclosure. It appeared doubtful from *The York Union Banking Company v. Artley* (27 W. R. 704, L. R. 11 Ch. D. 205) whether a sale could have been obtained under 15 & 16 Vict. c. 86, s. 48, where there was no agreement for a legal mortgage. That section was repealed by section 25 of the Conveyancing Act, which conferred large powers upon the court. In *Wade v. Wilson* (31 W. R. 237, L. R. 22 Ch. D. 235), where an order for sale was made under the Conveyancing Act, it did not appear whether there was an agreement to execute a legal mortgage or not. KAY, J., made an

order for sale instead of foreclosure.—COUNSEL, *H. Greenwood*. SOLICITORS,
H. B. Clarke & Son.

PETITION UNDER SETTLED ESTATES ACT—MARRIED WOMAN—SEPARATE EXAMINATION—SETTLED ESTATES ACT, 1877, s. 50—MARRIED WOMEN'S PROPERTY ACT, 1882, s. 1.—In a case of *In re Harris' Settled Estates*, before Pearson, J., on the 6th inst., the question arose whether it was necessary that some married women, who were some of the petitioners in a petition under the Settled Estates Act, 1877, for the sanction by the court of an agreement for a lease of property which formed part of a settled estate, should be examined separately, as provided by section 50 of the Act. The married women had been married before the commencement of the Married Women's Property Act, 1882, and their interests in the property had been acquired before that date. In *Riddell v. Errington* (L. R. 26 Ch. D. 220, 28 SOLICITORS' JOURNAL, 328) it was held by Pearson, J., that a woman married after the commencement of the Act of 1882 need not be separately examined. It was suggested in *In re Harris* that this decision applied equally to a woman married before the commencement of the Act of 1882, because section 1 of that Act speaks of a married woman in general terms. PEARSON, J., held that section 1 applies, in the case of a woman married before the commencement of the Act, only to property acquired by her after the commencement of the Act. Consequently, the married women must be examined separately.—COUNSEL, J. Dixon, SOLICITORS, Gregory, Rowcliffe, & Co.

ADMINISTRATION ACTION—TENANT FOR LIFE AND REMAINDERMAN—CAPITAL AND INCOME—UNAUTHORIZED SECURITIES—INQUIRIES.—In a case of *Quirk v. Quirk*, before Pearson, J., on the 6th inst., a question arose as to the proper form of inquiries to be directed in an administration action, in a case in which it was alleged that the trustee (the defendant) had applied as income the dividends of some mining shares which, as between tenants for life and remaindermen, ought to have been converted, and the proceeds invested in proper securities. The action was heard as a short cause, and in the minutes of judgment prepared by the plaintiff's counsel some special inquiries were inserted in the form given in Seton on Decrees, 4th ed., vol. 2, p. 993. The counsel for the trustee was instructed to consent to these inquiries, but Pearson, J., pointed out that the result of the inquiries might be to make the trustee liable for wilful default, and his lordship prefaced the inquiries with a direction that they were to be without prejudice to any question.—COUNSEL, *Carson; K. J. Hough. SOLICITORS, Ullithorne, Currey, & Villiers.*

R. S. C., 1883, ORD. 55, R. 2, SUB-SECTIONS 1, 4—**BUSINESS IN CHAMBERS—APPLICATION FOR TRANSFER OF FUND PAID INTO COURT UNDER LEGACY DUTY ACT** (36 Geo. 3, c. 52), s. 32—**FUND ABOVE £1,000.**—In a case of *In re Barker*, before Pearson, J., on the 8th inst., the question arose whether an application for transfer out of court of a fund exceeding £1,000, which had been paid in under section 32 of the Legacy Duty Act (36 Geo. 3, c. 52), on account of the infancy of the legatee, could properly be made by summons in chambers. An order for the transfer to the legatee, on proof of his having attained twenty-one, had been made in chambers, but the registrar felt a difficulty in drawing it up. Rule 2 of order 55 provides that “the business to be disposed of in chambers by judges of the Chancery Division shall consist of” (*inter alia*) (1) “Applications for payment or transfer to any person of any cash or securities standing to the credit of any cause or matter where there has been a judgment or order declaring the rights, or where the title depends only upon proof of the identity, or the birth, marriage, or death of any person.” (4) “Applications under 36 Geo. 3, c. 52, s. 32 (the Legacy Duty Act), in all cases where the money, or securities in court do not exceed £1,000 or £1,000 nominal value.” *In re Brandram* (L.R. 25 Ch. D. 366), and *In re Calton's Will* (L.R. 25 Ch. D. 240, 28 SOLICITORS' JOURNAL, 67, 120), were referred to. PEARSON, J., felt a difficulty as to the jurisdiction to make the order in chambers, but, on the suggestion of the applicants' counsel, he made the order on the present application, treating it as a motion, section 32 of the Legacy Duty Act providing that the application for transfer or payment to the person entitled may be made “by petition or motion in a summary way.”—COUNSEL, G. WILLIAMSON, SOLICITORS, Williamson, Hill, & Co.

CRIMINAL LAW—MURDER—PLEA OF SELF-DEFENCE—SPECIAL VERDICT
MURDER ON THE HIGH SEA—JURISDICTION—17 & 18 VICT. C. 104, s. 267.—In the case of *Esg. v. Dudley*, which was argued before a divisional court (Lord Coleridge, C.J., Grove, J., Pollock, B., Denman, J., and Huddleston, B.), on the 4th inst., and in which judgment was delivered on the 10th inst., an important question was raised upon a defence on an indictment for murder. The prisoners Dudley and Stephens, the master and mate of an English yacht, *The Mignonette*, were indicted at Exeter, at the last assizes, before Huddleston, B., for murder on the high seas, under circumstances so peculiar that the jury, at the suggestion of the learned judge, returned a special verdict setting out the facts and leaving the question of whether the acts of the prisoners amounted in law to murder to be decided by the judgment of the Queen's Bench Division. The finding of the jury was, in effect, as follows:—The prisoners, together with one Brooks, all able-bodied English seamen, and the deceased, an English lad, the crew of an English yacht, were, on July 5, 1884, cast away in a storm on the high seas, 1,600 miles from the Cape of Good Hope, and were compelled to put into an open boat, in which they had little or no food. On the eighteenth day, after they had been seven days without food, and five without water, and were drifting some 1,000 miles

from land, the prisoners suggested to Brooks that some one should be sacrificed to save the rest, but he hesitated, and the boy to whom they were understood to refer was not consulted. On the day before the act in question, Dudley proposed to Stephens and Brooks that lots should be cast to determine who should be put to death to save the rest. Brooks refused to consent, and it was not put to the boy, and lots were not cast. In the course of the same day the prisoners spoke of their having families, and suggested that it would be better to kill the boy that their lives should be saved, and Dudley proposed that if no vessel were in sight by the next morning the boy should be killed. On the next day, no vessel appearing, Dudley told Brooks he had better go to sleep, and made signs to Stephens that the boy should be killed; and to this act Stephens agreed, but Brooks dissented from it; the boy was then lying quite helpless and incapable of resistance, nor did he assent to being killed. Dudley then, with the assent of Stephens, killed the boy, and the three men fed on his body for four days; on the fourth day they were picked up by a passing vessel and landed at Falmouth. The jury also found that if the men had not fed upon the body of the boy they would probably not have survived to be so picked up and rescued, but would within the four days have died of famine; that the boy being in a much weaker condition was likely to have died before them; that at the time the act was committed there was no sail in sight nor any reasonable prospect of relief; and that under these circumstances there appeared to the prisoners every probability that unless they then or very soon fed on the boy or one of themselves they would die of starvation; that there was no appreciable chance of saving life except by killing someone for the others to eat, but that, assuming any necessity to kill any one, there was no greater necessity for killing the boy than for killing any of the others, and the special verdict concluded:—"But whether upon the whole matter the prisoners were and are guilty of murder the jury are ignorant, and refer to the court." To this verdict there was afterwards added in drawing up the record a clause to the effect that the jury found the prisoners guilty or not guilty in accordance with whichever should be the judgment of the court. The prisoners were liberated on bail to appear at the next assizes for Cornwall. The record was afterwards made up, and by an order of the Divisional Court brought into the Queen's Bench Division, and the case argued before five judges, sitting as judges of that division. It was argued on behalf of the prisoners (1) that the verdict was bad, because the record contained words added to the finding of the jury which had not been put to them by the judge at the trial; (2) that the record should have been brought into court by writ of *cetiorari* to remove it from the court of assize, and that no such writ had in this case issued; (3) that the court at Exeter had no jurisdiction, the act having been committed on the high seas, and there being no finding that the boat was an English boat; (4) that killing

murder but justifiable homicide, being done under necessity to save the lives of the prisoners, and that the necessity was inevitable, as there was no chance of escape without killing one of the three, which of the three being a balance of evils which could not be measured in such a case. The court gave judgment against the prisoners, but adjourned the case for four days in order to give the prisoners an opportunity of moving in arrest of judgment. On Tuesday last Lord Coleridge, C.J., delivered the judgment of the court to the effect (1) that the ending to the special verdict which had been objected to was the merest form, being the legal expression of the meaning of the jury, and was to be found in all precedents at the Crown Office of special verdicts for at least a century. (2) That a *ceteriori* was no longer necessary. The old reason that formerly existed for it was that the courts of oyer and terminer and gaol delivery were not parts of the old Queen's Bench; and, therefore, it was necessary for that court to issue its writ in order to bring before it a record of another court. This reason had now ceased to exist, for, by section 16 of the Judicature Act, 1873, those courts were made a part of the High Court, and their jurisdiction vested in it. (3) That the court had jurisdiction, the prisoners being the crew of an English vessel, cast away in an open boat on the high seas; and that jurisdiction was also expressly conferred by 17 & 18 Vict. c. 104, s. 267. (4) That the circumstances under which the act was committed did not amount to a offence at law, for it could not successfully be asserted that, in order to save his own life, a man might lawfully take away the life of an innocent person. His lordship referred to the authorities on homicide, and showed that "necessity" to justify killing another must be equivalent to self-defence; and that, therefore, the killing of the unoffending person in this case was wilful murder. The prisoners were therefore convicted, and sentence of death was passed upon them.—COUNSEL, Sir H. James, A.G., Charles, Q.C., C. Matthews, and Danckwerts, for the Crown; Colline, Q.C., Henry Clark, and Pyke, for the prisoners. SOLICITORS, *litor* to the Treasury; Pleas, Irving, & Hodges, for the prisoners.

VAGRANT ACT — ROGUE AND VAGABOND — FREQUENTING STREET WITH INTENT TO COMMIT A FELONY—5 GEO. 4, c. 83, s. 4—34 & 35 VICT. c. 112, s. 15.—In the case of *Clark, Appellant*, v. *The Queen, Respondent*, in which judgment was delivered by a Divisional Court (GROVE and HAWKINS, J.J.) on the 1st inst., a question arose as to the meaning of the words "frequenting a street," within the meaning of the Vagrant Acts. Section 15 of 34 & 35 Vict. c. 112, provides that, "Whereas, by the fourth section of the Act passed in the fifth year of the reign of King George the Fourth, chapter eighty-three, . . . It is, amongst other things, provided that every suspected person or reputed thief frequenting any river, canal, or navigable stream, dock, or basin, or any quay, wharf, or warehouse near or adjoining thereto, or any street, highway, or avenue leading thereto, or any place of public resort, or any avenue leading thereto, or any street, highway, or place adjacent, with intent to commit felony, shall be deemed

a rogue and vagabond, and may be apprehended and committed to prison. And, whereas doubts are entertained as to the construction of the said provision, and as to the nature of the evidence required to prove the intent to commit a felony: Be it enacted, firstly, the said section shall be construed as if, instead of the words 'highway or place adjacent,' there were inserted the words 'or any highway or any place adjacent to a street or highway'; and, secondly, that, in proving the intent to commit a felony, it shall not be necessary to show that the person suspected was guilty of any particular act or acts tending to show his purpose or intent, and he may be convicted if, from the circumstances of the case or his known character, . . . it appears to such justice or court that his intent was to commit a felony." The appellant, who was a convicted thief, was found in a street at night with a piece of a brass pump, apparently wrenched off and stolen, in his possession, and was thereupon apprehended, and convicted before justices as a rogue and vagabond under section 4 of 5 Geo. 4, c. 83 (the Vagrant Act). There was no evidence that he had ever been seen in that or any adjacent street on any other occasion. On a case stated, it was held that, though the intent to commit a felony may have been made out, the appellant could not be convicted of having "frequented" the street with intent to commit felony.—COUNSEL, J. Edge; Messrs. SOLICITORS, Gregory & Co., for C. W. Newlands, South Shields; Clarke, Rawlings, & Co., for J. M. Moore, town clerk, South Shields.

BANKRUPTCY CASES.

BANKRUPTCY PETITION—PETITIONING CREDITOR—TRUSTEE FOR ABSOLUTE OWNER OF DEBT—JOINING EQUITABLE OWNER AS CO-PETITIONER—JUDGMENT DEBT—BANKRUPTCY NOTICE—ACT OF BANKRUPTCY—AMENDMENT OF PETITION—COSTS—BANKRUPTCY ACT, 1883, s. 4, SUB-SECTION 1 (g.); ss. 5, 6, 105, SUB-SECTION 3.—In a case of *Ex parte Dearly*, before the Court of Appeal on the 5th inst., the question arose whether the old rule in bankruptcy—that when a debt is vested in a trustee for an absolute equitable owner, who is capable of dealing with the debt, the trustee cannot alone present a bankruptcy petition against the debtor, but the *cestui que trust* must join in the petition—has been abrogated by the Bankruptcy Act, 1883. In *Ex parte Culley* (L. R. 9 Ch. D. 307, 22 SOLICITORS' JOURNAL, 742), it was decided by the Court of Appeal that the old rule remained, notwithstanding the provision of section 6 of the Bankruptcy Act, 1869, that a petitioning creditor's debt must be "a liquidated sum due at law or in equity." Among the acts of bankruptcy defined by section 4 of the Bankruptcy Act, 1883, is—sub-section 1 (g.)—"If a creditor has obtained a final judgment against him (the debtor) for any amount, and execution thereon not having been stayed, has served on him a bankruptcy notice under this Act, requiring him to pay the judgment debt in accordance with the terms of the judgment, or to secure or compound for it to the satisfaction of the creditor or the court, and he does not, within seven days after service of the notice," comply with it. By section 5, "Subject to the conditions hereinafter specified, if a debtor commits an act of bankruptcy the court may, on a bankruptcy petition being presented, either by a creditor or by the debtor, make an order, in this Act called a receiving order, for the protection of the estate." By section 6 (1), "A creditor shall not be entitled to present a bankruptcy petition against a debtor unless" (*inter alia*) "(b.) 'the debt is a liquidated sum, payable either immediately or at some certain future time.'" It was contended that, by the joint operation of these three sections—at any rate, in the case of a judgment debt—only the legal owner of the debt, who has recovered the judgment, can present a bankruptcy petition in respect of it, and that the equitable owner of the debt cannot properly be joined as a co-petitioner. Mr. Registrar Hazlitt held that the old rule still exists, and this view was affirmed by the Court of Appeal (Lord COLEBRIDGE, C.J., BRETT, M.R., and LINDLEY, L.J.). Lord COLEBRIDGE, C.J., said that the rule in question had been established for a great length of time, and there was a very good reason for it before the Act of 1869, when a mere equitable debt was not a ground for bankruptcy proceedings, for otherwise a trustee of a debt might have made the debtor a bankrupt when the real beneficial owner of the debt might have had no debt at all, the debtor having a perfectly good defence as against him, though not as against the legal owner, the trustee. The Act of 1869, for the first time, enacted that a mere equitable debt might be the ground of bankruptcy proceedings, and that the non-payment of an equitable debt might be an act of bankruptcy. In that state of things, and after the passing of the Judicature Act, 1873, it was strenuously contended in *Ex parte Culley* that, by the joint operation of the Act of 1869, which placed an equitable debt on the same footing as a legal debt, and the Judicature Act, which provided that law and equity should be administered concurrently, the reason for the rule in question had ceased, and the rule might be taken to have been abrogated. But, notwithstanding this argument, the Court of Appeal held, in *Ex parte Culley*, that the old rule remained. In this state of things the Bankruptcy Act, 1883, was passed, which constituted, by section 4, sub-section 1 (g.), the failure to comply with a bankruptcy notice in respect of a judgment debt an act of bankruptcy. In the present case the legal creditor—the trustee—had obtained a final judgment against the debtor. He was a competent person (his lordship did not say the only person) to obtain the judgment. He did obtain it, and on the debt not being paid in accordance with the notice, an act of bankruptcy was committed by the debtor. Who was to take advantage of the act of bankruptcy? On behalf of the appellant it was said that the only person who could take advantage of it was the creditor who had obtained the final judgment. No doubt it was that creditor who must serve the bankruptcy notice, and thus create the act of bankruptcy. But it did not follow from the words of the Act that that creditor alone could present a bankruptcy petition founded on the act of bankruptcy. Section 5

said that "a creditor" (not the same creditor) might, if he thought fit, present a bankruptcy petition founded on the commission of an act of bankruptcy. Independently, therefore, of any question arising out of the relation of trustee and *cestui que trust*, there was nothing to show that the creditor who was to petition under section 5 must be the same person as the creditor who had served the bankruptcy notice under sub-section 1 (g.) of section 4, and his lordship was of opinion that he need not, but that another creditor might petition. There appeared to be as grave reason for the old rule as there ever was, and, if there was nothing in the Act of 1883 to alter it, it must be considered as still subsisting. *Ex parte Culley* was a decision of the Court of Appeal, and the framers of the Act of 1883 must be taken to have known of that decision; and yet, when a single word in the Act would have altered the rule, they left the Act of 1883 just as the Act of 1869. His lordship was, therefore, of opinion that the old rule remained in force. But he thought that the court ought to exercise the power of amendment given by sub-section 3 of section 105. A not unnatural blunder had been made in the construction of the Act. Leave would, therefore, be given to amend the petition by adding the name of the *cestui que trust* as a co-petitioner, with her consent; but the petitioner must pay the costs of the appeal, and the costs (if any) occasioned by the amendment. BARR, M.R., said that three things were necessary to sustain a bankruptcy petition—a good petitioning creditor's debt, a good act of bankruptcy, and the proper petitioning creditor. The only question now was whether there was a proper petitioning creditor. The old rule that a mere trustee could not petition without joining the *cestui que trust*, if he was capable of dealing with the debt, was not a mere rule of practice, but it was a rule of conduct, founded on principle; because, if no regard was paid to the *cestui que trust*, there might be no real debt at all, though, in legal parlance, there would be. A competent *cestui que trust* might have released the debt. The reason for the rule remained after the Act of 1869 and after the Act of 1883 just as it did before. A new act of bankruptcy and a new petitioning creditor's debt were created by the Act of 1883; but no new petitioning creditor was created. There were no negative words in the Act as to who was to be the right petitioner. Therefore the court held that the old rule remained. So, by the Act of 1883, a new act of bankruptcy was created; but the Act had not said one word, affirmatively or negatively, as to who was to be the petitioning creditor. The principle of the decision in *Ex parte Culley* affected the Act of 1883 in precisely the same way as it did the Act of 1869, only the argument was much stronger, because the Act of 1883 was passed after that decision; for, if the Legislature had intended to alter it, it had only to say so. His lordship also expressed an opinion that, under section 5, any creditor could found a petition on an act of bankruptcy committed by the failure of a debtor to comply with a bankruptcy notice; the right was not limited to the creditor who had served the notice. LINDLEY, L.J., concurred.

[This decision is of importance, because of the distinction which it establishes between a debtor's summons under the Bankruptcy Act, 1869, and a bankruptcy notice under the Bankruptcy Act, 1883. The only creditor who could petition in respect of the act of bankruptcy committed by failure to comply with a debtor's summons was the creditor who had served the summons, whereas it appears that any creditor may avail himself of the act of bankruptcy committed by failure to comply with a bankruptcy notice.]—COUNSEL, E. Clarke, Q.C., and A. Wallace; Cooper Willis, Q.C., and Ellis J. Davis. SOLICITORS, J. G. Dearly; Benn Davis.

APPEAL—PRELIMINARY OBJECTION—COSTS.—In a case of *Ex parte Bleasdale*, before a divisional court of the Queen's Bench Division on the 4th inst., the preliminary objection was taken to the appeal that it was brought too late. The court (MATTHEW and CAVE, JJ.) allowed the objection, but, following the decision of Cave, J., in *In re Speight* (L. R. 13 Q. B. D. 42), dismissed the appeal without costs, on the ground that the respondent had not given previous notice to the appellant of his intention to raise the objection.—COUNSEL, C. A. Russell; Smyly. SOLICITORS, Pritchard, Englefield, & Co.; Carter & Church.

BANKRUPTCY—PROOF—SECURED CREDITOR—VALUATION OF SECURITY—AMENDMENT OF VALUATION—APPEAL—TIME—NOTICE SENT BY POST—TRUSTEE IN BANKRUPTCY—COSTS—BANKRUPTCY ACT, 1883, s. 142; SCHEDULE 2, n. 13—BANKRUPTCY RULES, 1883, rr. 112, 114A, 116—R. S. C., 1883, ORD. 58, n. 15.—In a case of *Ex parte Arden*, before a divisional court of the Queen's Bench Division, on the 4th inst., a question arose as to allowing a secured creditor, who had in his proof put a value on his security (a mortgage of real estate), to amend his proof and valuation, under the provisions of rule 13 in the second schedule to the Bankruptcy Act, 1883, by increasing the amount of the valuation. He had valued his security at £16,000. The trustee in the bankruptcy had since entered into a contract to sell the property for £30,000, and the creditor asked for leave to increase the amount of his valuation to £18,994, on the ground of a *bona fide* mistake, and the judge of the Burslem County Court allowed this to be done, notwithstanding the opposition of a subsequent mortgagee of the property, whose interest was affected, because the trustee would have to redeem the property at the larger amount. The Divisional Court (MATTHEW and CAVE, JJ.) affirmed the decision. It was contended that the rule did not apply to a case in which there was a subsequent mortgage. The court, however, said that the first mortgagee was not deprived of his right by the accident that there was a subsequent mortgage.

The question also arose whether notice of the appeal had been given in time. The notice was given by post, in accordance with the liberty given by section 142 of the Act. The letter was posted on the twenty-first day after the signature of the order, and was not received by the respondent till the twenty-second day. It was contended that a notice sent by post must be sent

in such time that it may be received within the twenty-one days. The Court said that it might be doubtful whether the service was in time, but, if necessary, they would avail themselves of their power to extend the time.

The trustee in the bankruptcy, who did not oppose the application, was served with notice of the appeal, and appeared at the hearing. The court refused to allow him costs.—COUNSEL, *Cooper Willis, Q.C., and Plumptre; Bigham, Q.C., and Bodiam; Aspland, SOLICITORS, Jennings, Son, & Burton; Ashurst, Morris, & Co.; Duffield & Bruton.*

HUDDERSFIELD COUNTY COURT.

(Before Judge SNAGGE).

Dec. 5.—*Re Aspinall & Sons.*

Where creditors have tendered at the first meeting informal proofs which the official receiver, as chairman, has admitted to vote, the only mode of questioning their right to vote is by an appeal.

This was a case in which, at the first meeting, proofs were tendered by Leonard Aspinall and Edward Charnock. Aspinall's proof having attached to it an account saying:—To balance of account for goods delivered, £1,180 2s. 6d.; and Charnock's proof having a similar account attached to it. At the first meeting of creditors, Mr. England, of Halifax, the official receiver, presided, and the two proofs were objected to on the ground that they did not comply with the Bankruptcy Rules, as they had not particulars of the account attached to them. The official receiver admitted the proofs for voting purposes, and resolutions were passed appointing a trustee and a committee of inspection, including Leonard Aspinall, and Edward Charnock. After the meeting fresh proofs were tendered to the trustee which did contain proper accounts. The proofs had been investigated by the trustee, but had not been formally admitted. This was an application to the judge for an order that these creditors should not be allowed to act upon the committee until their proofs had been admitted.

E. T. Atkinson appeared on behalf of a large creditor to support the application.

S. Learoyd appeared for the trustee and committee of inspection to oppose.

Atkinson contended that until the proof was admitted a creditor could not act upon the committee of inspection, and he referred to rules 169–174 and paragraph 8 of the first schedule to the Act.

Learoyd referred to paragraph 14 and the second schedule.

Atkinson contended that that paragraph did not apply, because the person claiming to vote must be a creditor and he must have duly proved his debt. He contended that clause 14 had no application, because, under clause 4 of the second schedule, it was imperative that the affidavit should refer to or contain statement of account showing particulars of the debt; that the affidavit, therefore, was simply a piece of paper, and it was not competent for the chairman to decide it was a proof unless it contained the necessary ingredients; that the amended proofs could not avail, because there had been no re-appointment of the creditors on the committee since they were put in.

Learoyd contended that the admission of the proof for voting had nothing to do with the ultimate admission of the proof, and that it was the function of the chairman to decide what proofs should be admitted to vote, and that he rightly looked at the substance and not at the form; that the only mode of questioning his decision was under rule 174, by an appeal within twenty-one days; that in this case there had been no appeal, and the decision of the official receiver was absolute; and that the subsequent dealing with the proof did not rest with the chairman or official receiver, but with the trustee who was appointed.

His Honour said that, in his opinion, he had no power to deal with this matter. Certain objections had at the first meeting been taken to proofs. It was essential, so as to regulate the conduct at the first meeting, that the official receiver, who held an independent position, should there and then decide upon the parties who, in his judgment, were entitled to vote. In this case the official receiver decided that these two creditors were entitled to vote, and left over for the decision of the court the question whether his decision was accurate or not. The mode of questioning his decision was clearly pointed out by the rules by an appeal to the court, but there had been no appeal. The members of the committee had acted throughout upon the committee, and unless the proofs were formally objected to upon appeal it was not competent for the court to question the decision of the creditors at the meeting. In his opinion, therefore, the two creditors were entitled still to act upon the committee, notwithstanding any original informality there might have been in their proofs.

Solicitors, *Godfrey Rhodes, Halifax; Learoyd & Percy, Huddersfield.*

CASES AFFECTING SOLICITORS.

SOLICITOR AND CLIENT—COSTS—TAXATION—TAXATION AFTER PAYMENT—APPLICATION BY THIRD PARTY—TRUSTEE AND CESTUI QUE TRUST—SOLICITORS ACT (6 & 7 VICT. c. 73), ss. 39, 41.—In the recent case of *In re Chown* (noted ante, p. 28), it will be remembered that the question was raised whether section 41 of the Solicitors Act, 1842, which provides that a solicitor's bill cannot be taxed after payment, except under special circumstances, applies to taxation after payment under section 39 at the instance of the third party, such as a *cestui que trust*. It was urged that section 41 could not apply to such a case, because the application must necessarily be made after payment. *Kay, J.*, held that section 41 could not be limited in this way, and on this and other grounds refused to allow a taxation. The case came before the Court of Appeal (BOWEN

and FRY, L.J.J.) on the 6th inst., when they, without deciding the point, affirmed the decision on the ground that, at any rate, the court had a discretion, and that the items complained of as overcharges were so trivial that the court would not direct a taxation.—COUNSEL, *Oswald; Morshead SOLICITORS, Stoneham & Son; Coward & Chowne.*

SCANDALOUS MATTER—BILL OF COSTS—GENERAL JURISDICTION OF THE COURT.—In a case of *Re Miller & Miller*, and *Re French, Lovy v. Hills*, before *KAY, J.*, on the 4th inst., his lordship held that the case of *Erakine v. Garthshore* (18 Ves. 114) was an authority that the general jurisdiction of the court is sufficient for the purpose of expunging scandalous and impudent matter from a bill of costs while such bill remains lodged in the taxing master's office (although the Rules of Court are silent on this subject, and of ordering payment by the person or solicitor bringing it in of the costs occasioned by the introduction of the scandalous and impudent matter).—COUNSEL, *Henry Fellows; Hastings, Q.C., and Dunham.*

LAW STUDENTS' JOURNAL.

INCORPORATED LAW SOCIETY.

HONOURS EXAMINATION.

November, 1884.

At the examination for honours of candidates for admission on the roll of solicitors of the Supreme Court, the examination committee recommended the following gentlemen as being entitled to honorary distinction:—

FIRST CLASS.

[In order of Merit.]

John Callaway, who served his clerkship with Messrs. Sworder & Longmore, of Hertford; and Messrs. Duncan, Warren, & Gardner, of London.

David Villiers Meager, who served his clerkship with Mr. Charles Henry Glascodine, Mr. William Vazie Langdale Simons, of Swansea; and Mr. George William James King, of London.

SECOND CLASS.

[In Alphabetical order.]

Thomas William Bishop Hutchings, who served his clerkship with Messrs. Francis, Baker, & Watts, of Newton Abbot; and Messrs. Church, Rendell, & Treheane, of London.

George Scale, who served his clerkship with Mr. John Leigh, of Manchester.

Albert Edward Scorer, who served his clerkship with Messrs. J. & A. Burton & Scorer, of Lincoln; and Messrs. Taylor, Hoare, Taylor, & Box, of London.

Frederick Adam Stigant, who served his clerkship with Mr. William John McLellan, of Rochester; and Mr. John Moxon Clabon, of London.

James Mead Sutherland, who served his clerkship with Mr. Samuel Smith Seal, of London.

Thomas Lewis Wilkinson, who served his clerkship with Mr. William Francis Barrell, of the firm of Messrs. Barrell, Rodway, & Co., of Liverpool.

THIRD CLASS.

[In Alphabetical order.]

Elkan Nathan Adler, M.A., who served his clerkship with Mr. Richard Dawes, jun., of the firm of Messrs. Dawes & Sons, of London.

William Dawson Ainger, who served his clerkship with Mr. James William Grant Wollen, of Torquay.

Richard Fisher Chorley, who served his clerkship with Mr. F. W. Watson, of Kendal; and Mr. A. Double, of London.

Claud Fraser, who served his clerkship with Mr. Alfred Henry Clapham, of London.

Edward Guy Maunder, who served his clerkship with Mr. John Davis Peard, of London.

George Phillips Parker, who served his clerkship with Mr. Henry Skipper Ryland, of the firm of Messrs. Clarke, Woodcock, & Ryland, of London.

Alexander Mark Turnbull, who served his clerkship with Mr. Robert Dickinson, of the firm of Messrs. Dickinson & Miller, of Newcastle-upon-Tyne.

Septimus Gladstone Ward, who served his clerkship with Mr. Robert Dickinson, of the firm of Messrs. Dickinson & Miller, of Newcastle-upon-Tyne; and Messrs. Peace & Co., of London.

Ernest White, who served his clerkship with Mr. Richardson Peele, of Durham.

The Council of the Incorporated Law Society have accordingly given class certificates and awarded the following prizes of books:—

To Mr. Callaway, the prize of the Honourable Society of Clement's-inn, value ten guineas; and the Daniel Reardon Prize, value about twenty-five guineas.

To Mr. Meager, the prize of the Honourable Society of Clifford's-inn, value five guineas.

The council have given class certificates to the candidates in the second and third classes.

The number of candidates who attended the examination was sixty-six.

LEGAL APPOINTMENTS.

Mr. RICHARD HILL DAWE, solicitor, of Liverpool, has been elected Town Clerk of the Borough of Hull, and Deputy-Judge and Registrar of the Kingston-upon-Hull Court of Record, in succession to Mr. Charles Spillman Todd, deceased. Mr. Dawe was admitted a solicitor in 1878. He has been for several years deputy town clerk of Liverpool.

Mr. CHARLES KEMBLE, solicitor, of Liverpool, has been appointed a Commissioner to administer Oaths in the Supreme Court of Judicature.

Mr. DONALD CRAWFORD, advocate, who has been appointed a Boundary Commissioner for Scotland, was educated at Balliol College, Oxford, where he graduated second class in classics in 1860, and he was afterwards elected a fellow of Lincoln College. He was admitted a member of the Faculty of Advocates in Scotland in 1883, and he has been private secretary to the Lord Advocate since 1880.

Mr. THOMAS BARCLAY, barrister, has been appointed English Legal Adviser in Paris to the Suez Canal Company. Mr. Barclay is a graduate of the University of Paris. He was called to the bar at the Inner Temple in January, 1876.

Mr. ROBERT ELLETT, solicitor (of the firm of Mullings, Ellett, Tudway, & Bevir), of Cirencester and Wootton Bassett, has been appointed Secretary and Solicitor to the Thames Riparian Owners' Defence Association. Mr. Ellett was admitted a solicitor in 1859. He is clerk to the Cirencester Local Board, and to the county magistrates and the Commissioners of Taxes, and secretary to the Thames Valley Drainage Commissioners. His senior partner, Mr. John Mullings, is town clerk of the borough of Cricklade.

Mr. NATHANIEL WHITE, solicitor, of 27, Queen-street, Cheapside, and of New Cross, Croydon, and Brighton, has been appointed a Commissioner to administer Oaths in the Supreme Court of Judicature.

Mr. HENRY NICHOLAS CORSELLIS, solicitor (of the firm of Corsellis, Son, & Mossop), of 1, Quality-court, Chancery-lane, and of Wandsworth, has been appointed Clerk to the Magistrates for the Wandsworth Division of the County of Surrey, on the resignation of his father, Mr. Arthur Alexander Corsellis. Mr. H. N. Corsellis was admitted a solicitor in 1877.

Mr. WILLIAM HOLLIS BRIGGS, solicitor, of Derby, has been appointed a Commissioner to administer Oaths in the Supreme Court of Judicature.

Mr. ALFRED AUGUSTUS WATTS, solicitor, of Ipswich, has been appointed Solicitor to the Ipswich Licensed Victuallers' Society. Mr. Watts was admitted a solicitor in 1871.

Mr. JOHN TOMLINSON HIBBERT, barrister, M.P., has been appointed Financial Secretary to the Treasury. Mr. Hibbert is the eldest son of Mr. Elijah Hibbert, of Oldham, and was born in 1824. He was educated at Shrewsbury School, and at St. John's College, Cambridge, where he graduated as a junior optime in 1847, and he was called to the bar at the Inner Temple in Easter Term, 1849. He was M.P. for Oldham in the Liberal interest from 1862 till 1874, and he was re-elected in 1877. He was Parliamentary Secretary to the Poor Law Board from 1872 till 1874, and again from 1880 till last year, when he was appointed Under-Secretary of State for the Home Department. Mr. Hibbert is a magistrate and deputy-lieutenant for Lancashire.

Mr. GEORGE PEMBERTON LEACH, barrister, has been appointed an Assistant Boundary Commissioner for England and Wales. Mr. Leach was educated at St. John's College, Oxford, where he graduated third class in classics in 1868. He was called to the bar at Lincoln's-inn in Hilary Term, 1871, and he practises in the Chancery Division. He has been for several years an assistant land commissioner.

Mr. W. PICTON EVANS, solicitor (of the firm of Jenkins & Evans), of Cardigan, has been appointed Registrar of the Cardigan County Court, in the room of Mr. W. W. Smith, deceased. Mr. Evans was admitted in 1861, and holds the appointments of clerk to the magistrates for two petty sessional divisions, and clerk to the Income Tax Commissioners for two districts. He is a magistrate for the borough of Cardigan, and holds a commission as senior major in the 1st Pembrokeshire Rifle Volunteers.

Mr. JAMES BERRY WALFORD, solicitor (of the firm of Gabb & Walford), of Abergavenny, has been appointed Deputy Coroner for the Abergavenny Division of the County of Monmouth. Mr. Walford was admitted a solicitor in 1872, and is clerk to the justices of the Abergavenny Division and clerk to the Llanfforest School Board.

Mr. FRANCIS SAMUEL PRESTON, solicitor, of the firm of Samuel Preston & Son, (not Mr. Charles Sansome Preston as stated last week), has been appointed Clerk to the Hinckley Local Board. Mr. Samuel Preston is also clerk to the Hinckley Union, Hinckley Rural Sanitary Authority, and Hinckley Union Assessment Committee.

Mr. CONRAD J. DAVIS, solicitor, of 12, Old Jewry Chambers, Old Jewry, London, has been appointed Clerk to the Trust of the West Kent (Endowed) Grammar School. Mr. Davis was admitted in 1874.

Mr. GEORGE ALFRED DANIEL, of Frome, has been appointed a Perpetual Commissioner for taking the Acknowledgements of Deeds by Married Women for the County of Somerset.

Mr. PHILIP DE SOYRES (of the firm of Beal & de Soyres), of 30, Regent-street, Waterloo-place, solicitor, has been appointed a Commissioner to administer Oaths in the Supreme Court.

Mr. HENRY HARTLEY FOWLER, solicitor (of the firm of Fowler & Perks), of 147, Leadenhall-street, and Wolverhampton, M.P. for the borough

of Wolverhampton, succeeds Mr. Hibbert as Under-Secretary of State for the Home Department. Mr. Fowler is the son of the Rev. Joseph Fowler, and was born in 1870. He was educated at St. Saviour's Grammar School, Southwark, and he was admitted a solicitor in 1852. He is clerk to the South Staffordshire Mines Drainage Commission, and he has been M.P. for Wolverhampton in the Liberal interest since 1880. Mr. Fowler was mayor of Wolverhampton in 1863, and he is a magistrate and alderman for that borough and a deputy lieutenant for Staffordshire.

DISSOLUTION OF PARTNERSHIP.

GEORGE STEPHENSON JORDESON and GEORGE WHITING, solicitors, Nos. 8 and 9, County-buildings, Hull (Jordeson & Whiteing). July 10, 1883. The said George Stephenson Jordeson will in future carry on the business at Nos. 8 and 9, County-buildings aforesaid, and the said George Whiteing at No. 3, Parliament-street, Hull. [Gazette, Dec. 5.]

OBITUARY.

MR. THOMAS CRUST.

Mr. Thomas Crust, solicitor (of the firm of Shepherd, Crust, Todd, & Mills), town clerk of the borough of Beverley, died at Leeds, on the 1st inst., in his seventy-second year. Mr. Crust was born at Winterton in 1813. He was clerk to the late Mr. Maxted, of Barton-on-Humber, and afterwards to Messrs. Shepherd & Myers, of Beverley, with whom he ultimately served his articles. He was admitted a solicitor in 1845, when he became a member of the above firm, and he was at the time of his death associated in partnership with Mr. Stephen Ellis Todd, the clerk to the Holderness Drainage Commissioners, and with Mr. James Mills, the clerk to the borough and county magistrates at Beverley. Mr. Crust held several important appointments. He had been town clerk of Beverley since 1846, registrar of the Beverley County Court (Circuit No. 16) since 1857, and treasurer for the East Riding of Yorkshire since 1858. He was also clerk to the Skidley Drainage Commissioners, and a perpetual commissioner for the East Riding. He had a very extensive private practice, being solicitor and agent to many of the leading landowners in the district. Mr. Crust was for many years churchwarden of St. Mary's Church, to which he presented a handsome stone pulpit. Mr. Crust was married to the daughter of Mr. Consitt, of Beverley, and he leaves two married daughters. He was buried at Beverley on the 5th inst., many members of the corporation and of the legal profession being present at the funeral. At the Beverley County Court, on the 3rd inst., Judge Bedwell said he thought he should not be doing justice to the feelings of the profession, and he certainly should not be doing justice to his own, if he did not refer to the serious loss which the profession had just sustained in the death of one of its most respected members. His Honour was sure they would agree that he was not exaggerating when he said that it would be difficult to replace their loss in Mr. Crust. The county court had lost one of its most valuable officers and the profession one of its most highly-respected members. In point of talent and legal knowledge Mr. Crust had few equals, and in point of character no superior. He was one of the most honourable members of the profession, and his Honour felt sure that they would agree with him that the loss of Mr. Crust was a very serious one to them all. Mr. Bantoft, as the senior practitioner present in court, briefly reciprocated the expressions which had fallen from his Honour.

MR. CHARLES NUTSEY.

Mr. Charles Nutsey, solicitor, of Shrewsbury, died at Matlock on the 29th ult. Mr. Nutsey served his articles with the late Mr. Hawley Edwards, of Shrewsbury. He was admitted a solicitor in 1875, and he had since practised at Shrewsbury. Although his professional career had been short, he had been successful in obtaining a large amount of practice, and his premature death is much lamented. He was a leading member of the Liberal party at Shrewsbury, and he was president of the Shropshire Baptist Association. Mr. Nutsey was buried at the Shrewsbury General Cemetery on the 3rd inst.

MR. THOMAS BARNEBY.

Mr. Thomas Barneby, solicitor, of Worcester, died at Claines, Worcestershire, on the 2nd inst., from bronchitis, at the age of seventy-six. Mr. Barneby, who was the oldest member of the legal profession at Worcester, was born in 1808. He was admitted a solicitor in 1829, and he had practised for over fifty years at Worcester. He was a perpetual commissioner for Worcester and the city of Worcester, and his private practice was an extensive one. Mr. Barneby was for many years agent for Lady Emily Foley's Worcestershire estates.

The Lord Chancellor, who has been suffering from a severe cold, is stated to be much better, and will leave for his country seat, near Petersfield, Hants, towards the end of the week if his present improvement continues.

LEGISLATION OF THE WEEK.

HOUSE OF LORDS.

Dec. 5.—*Bills read a Third Time.*

Representation of the People; Consolidated Fund (No. 1).

Dec. 6.—*Royal Assent.*

The Royal Assent was given by Commission to the four following Bills:—Consolidated Fund (No. 1) (1884); Tramways and Public Companies (Ireland) Act Amendment; Yorkshire Registries Act (1884) Amendment; Representation of the People.

The following are the circuits chosen by the judges for the ensuing winter assizes—viz., South-Eastern Circuit—Lord Chief Justice Coleridge; Midland—Mr. Justice Denman; Western—Mr. Baron Pollock; Oxford—Mr. Justice Hawkins; North-Eastern—Mr. Justice Lopes and Mr. Justice Stephen; Home—Mr. Justice Manisty; North Wales—Mr. Justice Cave; South Wales—Mr. Justice A. L. Smith; Northern—Mr. Justice Day and Mr. Justice Wills. Mr. Justice Manisty, after finishing the business at Maidstone and Croydon, will join Mr. Baron Pollock at Exeter, and both will afterwards proceed to Bristol and Winchester. Mr. Justice Hawkins will go round the Oxford Circuit alone until Stafford is reached, when he will be joined by Mr. Justice Mathew. At the conclusion of the business there Mr. Justice Hawkins will return to town, and Mr. Justice Field will join Mr. Justice Mathew at Birmingham. The Northern Circuit will once more consist of Appleby, Carlisle, Lancaster, Manchester, and Liverpool, and Mr. Justice Day will attend at the first three places alone, being afterwards joined at Manchester and Liverpool by Mr. Justice Wills. Mr. Justice Stephen will go to Newcastle alone, but will be joined at Durham, York, and Leeds by Mr. Justice Lopes. The assizes will begin on Monday, the 12th of January next.

COURT PAPERS.

SUPREME COURT OF JUDICATURE.

ROTA OF REGISTRARS IN ATTENDANCE ON

Date.	COURT OF APPEAL.	V. C. BACON.	MR. JUSTICE KAY.
Monday, Dec.....	15	Mr. Carrington	Mr. King
Tuesday.....	16	Jackson	Mervale
Wednesday.....	17	Carrington	King
Thursday.....	18	Jackson	Mervale
Friday.....	19	Carrington	King
Saturday.....	20	Jackson	Mervale
		MR. JUSTICE CHITTY.	MR. JUSTICE NORTH.
Monday, Dec.....	15	Mr. Pugh	Mr. Farrer
Tuesday.....	16	Lavie	Teesdale
Wednesday.....	17	Pugh	Farrer
Thursday.....	18	Lavie	Teesdale
Friday.....	19	Pugh	Farrer
Saturday.....	20	Lavie	Teesdale

COMPANIES.

WINDING-UP NOTICES.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

EBERLE'S HOTELS AND RESTAURANT COMPANY, LIMITED.—By an order made by Pearson, J., dated Nov 29, it was ordered that the company be wound up. Smith and Co, Savoy pl, Strand, agents for Snowball and Co, Liverpool, solicitors for the petitioner.

PACKHAM AND COMPANY, LIMITED.—Creditors are required, on or before Jan 5, to send their names and addresses, and the particulars of their debts or claims, to Howard Forester Knight, Devonshire chbrs, Bishopsgate st Without, Tuesday, Jan 20, at 11, is appointed for hearing and adjudicating upon the debts and claims.

STEAMSHIP " SAPPHIRE" COMPANY, LIMITED.—Petition for winding up, presented Dec 4, directed to be heard before Chitty, J., on Saturday, Dec 13. Charles, Fenchurch st, solicitor for the petitioners.

WEST END DAIRY FARM COMPANY, LIMITED.—Creditors are required, on or before Jan 1, to send their names and addresses, and the particulars of their debts or claims, to Josiah Samuel Parker, 2, Adelaide bldgs, London Bridge. Wednesday, Jan 14, at 12, is appointed for hearing and adjudicating upon the debts and claims.

[*Gazette*, Dec. 5.]

CHATTERLEY IRON COMPANY, LIMITED.—Chitty, J., has by an order, dated Aug 6, appointed Vernon Kirk Armitage, Pendleton, Matthew Follett Blakiston, Stafford, and Joseph Renshaw Wain, Tunstall, to be liquidators.

FRANCHE ELECTRICAL POWER STORAGE COMPANY, LIMITED.—Creditors are required, on or before Jan 3, to send their names and addresses, and the particulars of their debts or claims, to Arthur Cooper, 14, George st, Mansion House, the official liquidator. Saturday, Jan 17, at 12, is appointed for hearing and adjudicating upon the debts and claims.

KELWAY'S ELECTRIC LOG SYNDICATE, LIMITED.—Kay, J., has fixed Monday, Dec 22, at 12, at his chambers, for the appointment of a liquidator.

LIMA BRIDGE, LEYTTON, AND WALTHAMSTOW TRAMWAYS COMPANY.—By an order made by Bacon, V.C., dated Oct 25, it was ordered that the company be wound up. Tibbitts and Son, Field ct, Gray's inn, solicitor for the petitioners.

LIARDET'S MARINE PATENTS PRELIMINARY COMPANY, LIMITED.—Petition for winding up, presented Dec 6, directed to be heard before Bacon, V.C., at the Royal Courts, on Saturday, Dec 20. Tibbitts and Son, Field ct, Gray's inn, solicitors for the petitioner.

NORTHUMBERLAND AVENUE HOTEL COMPANY, LIMITED.—By an order made by Chitty, J., dated Nov 29, it was ordered that the voluntary winding up of the company be continued. Kingsford and Co, Essex st, Strand, agents for Furley, Canterbury, solicitor for the petitioner.

OCEAN STEAM YACHTING COMPANY, LIMITED.—Petition for winding up, presented Dec 6, directed to be heard before Chitty, J., on Dec 20. Crosses and Sons, Lancaster pl, Strand, solicitors for the petitioners.

SOUTH WALES CRYSTALLIZING AND DECORATING COMPANY, LIMITED.—Petition for winding up, presented Nov 28, directed to be heard before Kay, J., on Friday, Dec 19. Bevin, King's Bench wall, Temple, solicitor for the petitioner.

WARTON LAND COMPANY, LIMITED.—By an order made by Bacon, V.C., dated Nov 19, it was ordered that the company be wound up. Brownlowe and Howe, New ct, Lincoln's Inn, agents for Swanson and Co, Lancaster, solicitors for the petitioners.

[*Gazette*, Dec. 9.]

FRIENDLY SOCIETIES DISSOLVED.

ST. MARTIN'S, LEICESTER, INDUSTRIAL AND PROVIDENT FREEHOLD LAND SOCIETY, LIMITED.—Wycliffe st Room, Leicester. Dec 4

[*Gazette*, Dec. 9.]

CREDITORS' CLAIMS.

CREDITORS UNDER ESTATES IN CHANCERY.
LAST DAY OF PROOF.

CHURCH, GEORGE. Higham Gobion, Bedford, Farmer. Dec 15. Joyce v Church, Bacon, V.C. Wade-Gery, Shefford

DAVIES, JOHN. Caenwylod, Caron, Cardigan, Farmer. Dec 31. Evans v Davies, Pearson, J. Jones, Aberystwith

MATTHEWS, WILLIAM. Tedburn Saint Mary, Devon, Farmer. Jan 1. Kelly v Kelly, Chitty, J. Tozer, Exeter

POITTEVIN, CONSTANCE. Upper Bedford place, Russell sq. Dec 29. Poittevin v Marson, Pearson, J. Nokes, Basingstoke

WALKER, JOSEPH. York, Gent. Dec 29. Bakers, White, and Morgan v Walker, Pearson, J. Davenport, Chancery lane

[*Gazette*, Nov. 25.]

BRIGHT, RICHARD. Orsett, Essex, Farmer. Jan 5. Smith v Druce, Kay, J. Ley and Lake, Carey st, Lincoln's Inn

JOHNSON, JOSEPH. Durham, Brewer. Jan 12. Tiplady v Johnson, Kay, J. Patrick and Son, Durham

KEETLEY, THOMAS. Cleethorpes, Lincoln, Master Mariner. Jan 1. Keetley v Keetley, Chitty, J. Toogood, St Swithin's lane

STOAKES, HENRY. Upper Westbourne ter, Paddington, Licensed Victualler. Dec 29. Stoakes v Read, Chitty, J. Ward, Walbrook

[*Gazette*, Nov. 25.]

MARSHALL, WILLIAM MORRIS. Stoke Bardolph, Nottingham, Farmer. Jan 1. Marshall v Parsons, Chitty, J. Parsons, Nottingham

WINSHAW, FORBES BENIGNUS. Cavendish sq, Doctor of Medicine. Jan 5. Frere v Winslow, Pearson, J. Van Tromp, Essex st, Strand

[*Gazette*, Dec. 2.]

CHAMBERLAIN, ROBERT. Raymouth rd, Rotherhithe, Mechanical Engineer. Dec 27. Warwick v Chamberlain, Chitty, J. Coxwell, Laurence Pountney lane, Cannon st

DICKINSON, ROBERT. Newcastle upon Tyne, Colliery Owner. Dec 31. Dickinson v Walker, Chitty, J. Hoyle and Co, Newcastle upon Tyne

[*Gazette*, Dec. 5.]CREDITORS UNDER 22 & 23 VICT. CAP. 35.
LAST DAY OF CLAIM.

ATKINSON, JOHN. Elswick, Lancashire, Farmer. Jan 14. Wilson and Co, Preston

BAKER, CULLIMORE JOSEPH. Pincott, Yate, Gloucester, Farmer. Dec 25. Turner and Chanter, Wotton under Edge

BIRD, GEORGE. Ashley Hill, Bristol, Gentleman. Dec 30. Crook, Bristol

BOASE, WILLIAM FRANCIS FOOKES. Cimiez, near Nice. Dec 31. Toovey, Orchard st, Portman sq

BRANTH, EDWARD. Long Ashton, Somerset, Merchant. Feb 1. Brittan and Co, Bristol

BUNCE, ALDBOURN. Wilts, Builder. Jan 6. Rowland, Ramsbury

CARTER, ANN. Davenham, near Northwich, Chester. Feb 1. Burton, Runcorn

COLEMAN, JOHN. Lubenham, Market Harborough, Leicester, Farmer. Feb 10. Douglass, Market Harborough

CRITCHLEY, MARY FRANCES. Haverbrack, Westmoreland. Jan 31. Earle and Co, Manchester

CUMBY, DAVID CHARLES. Lansdowne rd, Notting hill, Retired Commander Royal Navy. Dec 30. Le Brasseur and Oakley, New ct, Carey st

EDGAR, WILLIAM SCHINDLER. Piccadilly, Esq. J.P. Dec 31. Bannister, Basinghall st

GRIMWOOD, REBECCA. Eastbourne, Sussex. Dec 30. Shaen and Co, Bedford row

GURDON, WILLIAM. Brantham, Suffolk, Esq. Feb 1. Collyer-Bristow and Co, Bedford row

HALL, ROBERT. Hyde, Chester, Cotton Spinner. Jan 31. Earle and Co, Manchester

HAWKINS, JOHN GURNEY. Hitchin, Hertford, Esq. Jan 1. Hawkins and Co, Hitchin

HAYNES, WILLIAM. Hampstead Heath, Esq. Jan 20. Pontifex and Co, St Andrew's st, Holborn circus

HOLDOM, JOHN. Fenny Stratford, Bucks, Yeoman. Dec 24. Tanqueray, Woburn

JACKSON, FRANCIS EDWARD. Longsight, near Manchester, Doctor of Medicine. Dec 31. Entwistle, Manchester

JACKSON, MARGARET. Brentwood, Essex. Dec 31. Postans and Landons, Brentwood

KAY, CHARLES. Wakefield, Retired Milk Dealer. Jan 1. Mander, Wakefield

LEFEUVE, THOMAS. Norwich, Gentleman. Dec 27. Miller and Co, Norwich

LOUND, JOHN. Bedford row, Auctioneer. Dec 31. James and Co, Ely pl

MORGAN, EMILY WARREN. Upper Gloucester pl, Dorset sq. Jan 1. Suxton and Morgan, Somerset st, Portman sq

NICHOLS, MARIA. Exeter. Dec 31. Ward, Exeter

NORTON, WILLIAM. sen, Downham rd, Kingsland, Licensed Victualler. Jan 16. Shad, Willian, son, Downham rd, Kingsland, Licensed Victualler

PRIDHAM, FREDERICK AUGUSTUS. Angel rd, Brixton, Civil Engineer. Dec 31. Pridham and Co, Old Serjeants' Inn, Chancery lane

SMALLE, ROBERT. Newcastle upon Tyne, Sheriff's Officer. Jan 1. Stanton and Atkinson, Newcastle upon Tyne

THORNE, JOHN. Henfield, Sussex, Farmer. Dec 20. Aubrey Wade, Henfield

WOOD JOHNSON HERRING. Stanley-cum-Wrenthorpe, York. Jan 1. Horner and Edmondson, Wakefield

WOODALL,
Wright,
Cotton,
Wrightson,
Sons, Es-

DINN.—I
Dinn, s
Goody.—
solicitor
TREVAN
Trevan

METCALF
cafe, C
Rev. T

LANDON
at-law

Bokenh
Ord I
Brighton
Dec 2
Catlow
Dec 1
Chamb
3. O
Charles
Dee
David
3. O
Dean, P
1. P
De Ma
Pet D
Dillon
19 a
Eamer
2. B
Fergus
Den
Fryer
3. B
Griffin
High
field
Gwyn
Dec
Hal
Ord
Hath
Exe
Hofm
Dec
Hitch
Hitch
Exe
Hitch
Out
Jones
bor
Jord
1.
Lille
at 1
Mars
1.
Math
on
May
Dec
Miln
Dec
Mor
Dec
Mox
Dec
D
Niel
br
Older
am
Pate
Du
Phil
1.
Ple
B
L
Rob
1.
Sa
Cah
Cah

WOODALL, GEORGE, Alexandra Park, near Manchester, Gentleman. Dec 31.
 Woodall and Marriott, Manchester
 WRIGHT, WILLIAM ROBERT, Boundary road, Finchley road, Builder. Jan 24.
 Cotton, St. Martin's le Grand
 WEIGHTON, REBECCA GILCHESTER. New Beckenham, Kent. Jan 1. Western and Sons, Essex st, Strand

[Gazette, Dec 2.]

SALES OF ENSUING WEEK.
 Dec. 18.—Mr. WALTER KNIGHT at the Masons' Hall Tavern, at 1 p.m., Leasehold Hostelry (see advertisement, Dec. 6, p. 4).
 Dec. 18.—Messrs. PRICKETT, VENABLES, & Co., at the Mart, at 2 p.m., Freehold Securities (see advertisement, Dec. 6, p. 4).

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.
 DINN.—December 7, at 104, Windmill-street, Gravesend, the wife of Alfred George Dinn, solicitor, of a son.
 GOODY.—December 8, at Eastwell House, Colchester, the wife of Henry Goody, solicitor, of a son.
 TREVANION.—December 4, at 8, Stamford-road, W., the wife of H. Arundel Trevanion, barrister-at-law, of a son.

MARRIAGE.
 METCALFE—VOULES.—December 6, at Beer Crocombe, Somerset, Douglas Metcalfe, of Clifton, Bristol, barrister-at-law, to Mary Hyacinth, daughter of the Rev. T. Arthur Voules, M.A., rector of Beer Crocombe.

DEATH.
 LANDON.—December 4, at Lyme Regis, Dorset, Arthur John Landon, barrister-at-law, aged 72.

LONDON GAZETTES**THE BANKRUPTCY ACT, 1884.**

FRIDAY, Dec. 5, 1884.

RECEIVING ORDERS.

Bokenham, George Libbis, Warnford ct, Stockbroker. Edmonton. Pet Dec 2 Ord Dec 2. Exam Jan 13 at 1 at Court House, Edmonton
 Brightmore, Thomas, East Ham, Essex, Builder. High Court. Pet Nov 13. Ord Dec 2. Exam Jan 24 at 12 at 34, Lincoln's inn fields
 Catlow, Robert Henry, Bury, Beerseller. Bolton. Pet Dec 1. Ord Dec 1. Exam Dec 17 at 11
 Chamberlain, William, Arnott st, New Kent rd, Grocer. High Court. Pet Dec 3. Ord Dec 3. Exam Jan 17 at 11 at 34, Lincoln's inn fields
 Charlesworth, Job, Derby, Painter. Derby. Pet Dec 1. Ord Dec 2. Exam Dec 20
 Davies, William, Leigh rd, Highbury pk, out of business. High Court. Pet Dec 3. Ord Dec 3. Exam Jan 17 at 11 at 34, Lincoln's inn field
 Dean, Joseph, Oldham, Commercial Traveller. Oldham. Pet Nov 26. Ord Dec 1. Exam Dec 9 at 12.30
 De Meiljac, Jules, Falgrave, Scarborough, French Professor. Scarborough. Pet Dec 1. Ord Dec 1. Exam Jan 6 at 12
 Dillon, John, Bradford, Draper. Bradford. Pet Dec 3. Ord Dec 3. Exam Jan 19 at 12
 Eaman, Samuel, Scarborough, Bootmaker. Scarborough. Pet Dec 3. Ord Dec 3. Exam Jan 6 at 12
 Ferguson, Peter, Aberdare, Draper's Assistant. Aberdare. Pet Nov 28. Ord Dec 1. Exam Dec 16
 Fryer, Samuel Winn, Leeds, Trunk Manufacturer. Leeds. Pet Dec 3. Ord Dec 3. Exam 9 at 11
 Griffin, Charles, Church rd, Islington, Chemical Instrument Manufacturer. High Court. Pet Dec 3. Ord Dec 3. Exam Jan 23 at 11 at 34, Lincoln's inn fields
 Gwynne, Frederick Charles, Abergavenny, Clothier. Tredegar. Pet Nov 21. Ord Dec 2. Exam Dec 30 at 11
 Hale, William E. B., Albion chbrs, Haymarket, Gent. High Court. Pet Oct 26 Ord Dec 3. Exam Jan 23 at 11 at 34, Lincoln's inn fields
 Hathorne, Alexander, Bloomberg sq, High Court. Pet Nov 12. Ord Dec 3. Exam Jan 23 at 11 at 34, Lincoln's inn fields
 Hofmeier, Johann Georg, 5, Filmer rd, Fulham, Watchmaker. High Court. Pet Dec 2. Ord Dec 2. Exam Jan 23 at 11 at 34, Lincoln's inn fields
 Hitchcock, Ellen Escott, Bristol, Greengrocer. Bristol. Pet Dec 2. Ord Dec 2. Exam Dec 23 at 12 at Guildhall, Bristol
 Hitchon, Frederick, Kidderminster, no occupation. Kidderminster. Pet Nov 29. Ord Nov 29. Exam Dec 16 at 3
 Jones, John, and Samuel Buckle, Bourn, Lincolnshire, Ironmongers. Peterborough. Pet Dec 1. Ord Dec 2. Exam Dec 23 at 12
 Jordan, William, Newcastle on Tyne, Innkeeper. Newcastle on Tyne. Pet Dec 1. Ord Dec 1. Exam Dec 11
 Lilley, Samuel, Leeds, Builder. Leeds. Pet Dec 2. Ord Dec 2. Exam Dec 9 at 11
 Marshall, John, Newark upon Trent, Baker. Nottingham. Pet Dec 1. Ord Dec 1. Exam Jan 20
 Mather, Thomas, Withington Quay, Northumberland, Cowkeeper. Newcastle on Tyne. Pet Dec 2. Ord Dec 2. Exam Dec 16
 Mayall, Robert, Oldham, Lancashire, Cotton Dealer. Oldham. Pet Dec 1. Ord Dec 1. Exam Dec 9 at 12
 Milnes, Ben, Bradford, Innkeeper. Bradford. Pet Dec 2. Ord Dec 3. Exam Dec 19 at 12
 Morris, Henry, Pontypridd, Tailor. Pontypridd. Pet Dec 1. Ord Dec 1. Exam Dec 23 at 2
 Moxon, John, Hoyland Nether, nr Barnsley, Yorkshire, Joiner. Barnsley. Pet Dec 1. Ord Dec 1. Exam Dec 15 at 11.30
 Nield, William, Stalybridge, Cheshire, Butcher. Ashton under Lyne and Stalybridge. Pet Nov 21. Ord Dec 3. Exam Jan 8
 Olden, Thomas, Newtown, Lockyer, Hampshire, Market Gardener. Southampton. Pet Dec 3. Ord Dec 3. Exam Dec 17 at 12
 Pate, William, Landport, Hampshire, Tailor. Portsmouth. Pet Nov 29. Ord Dec 2. Exam Dec 22
 Phillips, William, Leigh, Essex, Bootmaker. Chelmsford. Pet Dec 1. Ord Dec 1. Exam Jan 19
 Pickersgill, Richard, and Henry Pickersgill, Walham Grove, Walham Green, Builders. High Court. Pet Dec 1. Ord Dec 1. Exam Jan 23 at 11 at 34 Lincoln's inn fields
 Robinson, Thomas, Castlegate, Huddersfield, Publican. Huddersfield. Pet Dec 1. Ord Dec 1. Exam Jan 23 at 10
 Sabiston, Alexander, Liverpool, Printer. Liverpool, transferred from High Court. Pet Nov 5. Ord Nov 27. Exam Dec 11 at 11.30

Sleeman, Henry Bedford, Lime st, Merchant. High Court. Pet Nov 14. Ord Dec 1. Exam Jan 19 at 11.30 at 34, Lincoln's inn fields
 Smett, William, South Shields, Builder. Newcastle on Tyne. Pet Dec 1. Ord Dec 1. Exam Dec 11
 Spartali, Michael, Old Broad st, Merchant. High Court. Pet Dec 1. Ord Dec 1. Exam Feb 17 at 11 at 34, Lincoln's inn fields
 Steane, Albert, Coventry, Draper. Coventry. Pet Dec 2. Ord Dec 2. Exam Dec 16 at 3.30 at County Hall, Coventry
 Stoke, Thomas, Far Headingley, Leeds, Plumber. Leeds. Pet Dec 3. Ord Dec 3. Exam Dec 9 at 11
 Tadman, Henry, Kingston-upon-Hull, late Licensed Victualler. Kingston on Hull. Pet Dec 1. Ord Dec 1. Exam Dec 15 at 11 at the Court House, Town Hall, Hull
 Taylor, John, Cullercoats, Northumberland, no occupation. Newcastle on Tyne. Pet Dec 2. Ord Dec 2. Exam Dec 16
 Walters, William, Halifax, Woolstapler. Halifax. Pet Dec 3. Ord Dec 3. Exam Dec 18
 Webb, Frederick, (Heleham, Tailor. Cheltenham. Pet Dec 1. Ord Dec 1. Exam Jan 3 at 12
 Weir, George, Bristol, Dental Surgeon. Bristol. Pet Dec 1. Ord Dec 1. Exam Dec 23 at 12 at the Guildhall, Bristol

The following Amended Notice is substituted for that published in the London Gazette of Dec. 2.

Uren, John, Hollywood, King's Norton, Clerk. Birmingham. Pet Nov 29. Ord Nov 29. Exam Dec 17 at 2

FIRST MEETINGS.

Almond, Samuel, St Helen's, Lancashire, Coal Dealer. Dec 12 at 2. Official Receiver, 35, Victoria st, Liverpool
 Batch, Jacob Peter, Norwich, Contractor. Dec 12 at 11. Official Receiver, Queen st, Norwich
 Buttsenhaw, Samuel Edward, St Albans, Hertfordshire, Secretary to the Peabody Permanent Benefit Building Society. Dec 18 at 12. 33, Carey st, Lincoln's inn
 Catlow, Robert Henry, Bury, Lancashire, Beerseller. Dec 15 at 3. 16, Wood st, Bolton
 Charlesworth, Job, Derby, Painter. Dec 12 at 2.30. Official Receiver, St James's chbrs, Derby
 Clarke, Henry Alfred, New Park rd, Brixton Hill, Grocer. Dec 19 at 2. Bankruptcy bldgs, Portugal st, Lincoln's inn fields
 Coats, John, Kingston upon Hull, Draper. Dec 12 at 2. Incorporated Law Society Lincoln's inn bldgs, Bowalley lane, Hull
 Colline, James, Gateley rd, Brixton, Tailor. Dec 18 at 12. 33, Carey st, Lincoln's inn
 Corell, Armand Henry, Liverpool, Wine Merchant. Dec 19 at 11. 33, Carey st, Lincoln's inn
 Dean, Joseph, Oldham, Lancashire, Commercial Traveller. Dec 15 at 8.30. Official Receiver, Priory chbrs, Union st, Oldham
 De Meljac, Jules, Falsgrave, Scarborough, Professor of French. Dec 15 at 11. Official Receiver, 74, Newborough st, Scarborough
 Farrands, Edwin, Nottingham, Confectioner. Dec 15 at 12. Official Receiver, Exchange walk, Nottingham
 Ferguson, Peter, Aberdare, Glamorganshire, Draper's Assistant. Dec 18 at 12. Official Receiver, Merthyr Tydfil
 Foster, William Thomas, Clifton, Bristol, Retired Officer. Dec 12 at 12. Official Receiver, Bank chbrs, Bristol
 Fryer, Samuel Winn, Leeds, Trunk Manufacturer. Dec 15 at 12. Official Receiver, St Andrew's chbrs, 22, Park row, Leeds
 Gallon, William, Forest lane, Stratford, out of employment. Dec 19 at 2. 33, Carey st, Lincoln's inn
 Gregg, John, Abingdon, Plumber. Dec 17 at 11. Official Receiver, 1, St Aldate st, Oxford
 Hitchcock, Ellen Escott, Bristol, Greengrocer. Dec 16 at 12.30. Official Receiver, Bank chbrs, Bristol
 Hitchon, Frederick, Kidderminster, no occupation. Dec 16 at 2.30. Messrs. Miller and J. J. Corbet, Kidderminster
 Hoard, George, Warbleton, Sussex, Chicken Fattier. Dec 13 at 1. Star Hotel, Lewes
 Holland, Alfred, George yd, Lombard st, Club Proprietor. Dec 18 at 2. Bankruptcy bldgs, Portugal st, Lincoln's inn
 Jones, John, and Samuel Buckle, Bourn, Lincolnshire, Ironmongers. Dec 16 at 12. County Court, Peterborough
 Jordan, William, Newcastle on Tyne, Innkeeper. Dec 15 at 11.30. Official Receiver, County chbrs, Newcastle on Tyne
 Liley, Samuel, Leeds, Builder. Dec 15 at 11. Official Receiver, 22, Park row, Leeds
 Lorimer, Robert, Stanwick rd, West Kensington, no occupation. Dec 18 at 11. 33, Carey st, Lincoln's inn
 Mather, Thomas, Willington Quay, Northumberland, Cow Keeper. Dec 16 at 12.30. Official Receiver, County chbrs, Newcastle on Tyne
 Mayall, Robert, Oldham, Lancashire, Cotton Dealer. Dec 15 at 3. Official Receiver, Priory chbrs, Union st, Oldham
 Mayer, Otto Johann Von Neponom, and Charles Gregory, Bangor House, Shoe lane, Colour Printers. Dec 19 at 12. 33, Carey st, Lincoln's inn
 Morris, Henry, Pontypridd, Glamorganshire, Tailor. Dec 15 at 12. Official Receiver, Merthyr Tydfil
 Moxon, John, Hoyland Nether, nr Barnsley, Yorkshire, Joiner. Dec 15 at 11.30. County Court Hall, Barnsley
 Nichols, William John, Martin's Lane, Cannon st, Insurance Broker. Dec 19 at 11 at Bankruptcy bldgs, Portugal st, Lincoln's inn fields
 Phillips, Thomas, Southampton, Tea Merchant. Dec 16 at 3 at 33, Carey st, Lincoln's inn
 Phillips, William, Leigh, Essex, Bootmaker. Dec 15 at 2.30 at County Court, Romford
 Robinson, Thomas, Huddersfield, Publican. Dec 15 at 11. Official Receiver, New st, Huddersfield
 Scarborough, John, George Scarborough, Thomas Smith Scarborough, and Joseph Scarborough, Halifax, Worsted Spinners. Dec 17 at 11 at Mechanics' Institute, Crossley st, Halifax
 Smett, William, South Shields, Builder. Dec 15 at 11. Official Receiver, County Chambers, Newcastle on Tyne
 Smith, Joseph William, Heigham, Norfolk, Baker. Dec 12 at 12. Official Receiver, Queen st, Norwich
 Steane, Albert, Coventry, Draper. Dec 15 at 12. Official Receiver, 46, Jordan well, Coventry
 Tadman, Henry, Kingston upon Hull, late Licensed Victualler. Dec 15 at 3 at Incorporated Law Society, Lincoln's inn bldgs, Bowalley lane, Hull
 Taylor, John, Cullercoats, Northumberland, no occupation. Dec 16 at 2. Official Receiver, County chbrs, Newcastle on Tyne
 Uren, John, Hollywood, King's Norton, Worcestershire, Clerk. Dec 12 at 2. Official Receiver, Birmingham
 Webb, Frederick, Cheltenham, Tailor. Dec 13 at 4.30 at County Court, Cheltenham
 Smith, Joseph William, West End st and Adelaide st, Heigham, Norfolk, Baker and Publican. Dec 12 at 2. Official Receiver, Queen st, Norwich
 Yeo, Alfred, Tuckingshill, Cornwall, Outfitter. Dec 13 at 12. Official Receiver, Boscombe st, Truro

ADJUDICATIONS.

Bainton, Matthew William, Studley st, Kingston on Hull, Joiner. Kingston on Hull. Pet Nov 4. Ord Dec 2

- Barton, John, and Robert Barton, New Wortley, Leeds, Corn Millers. Leeds. Pet Nov 8. Ord Dec 2.
- Bokenham, George Libbis, Warnford et, Stockbroker. Edmonton. Pet Dec 2. Ord Dec 2.
- Brammall, Joe, Holmfirth, nr Huddersfield, Blacksmith. Huddersfield. Pet Nov 18. Ord Dec 3.
- Catlow, Robert Henry, Bury, Lancashire, Beerseller. Bolton. Pet Dec 1. Ord Dec 5.
- Chamberlain, William, Arnott st, New Kent rd, Grocer. High Court. Pet Dec 3. Ord Dec 3.
- Crabtree, Thomas, Todmorden, Lancashire, Hat Dealer. Burnley. Pet Oct 30. Ord Dec 3.
- Davies, Robert, Seacombe, Cheshire, Watchmaker. Liverpool. Pet Nov 15. Ord Dec 3.
- Dean, Joseph, Oldham, Commercial Traveller. Oldham. Pet Nov 26. Ord Dec 1.
- Fergusson, Peter, Aberdare, Glamorganshire, Draper's Assistant. Aberdare Pet Nov 28. Ord Dec 1.
- Griffin, Charles, Church rd, Islington, Chemical Instrument Maker. High Court. Pet Dec 3. Ord Dec 3.
- Haughton, Joseph, and Stoddart Peile, Scobty, Cumberland, Agricultural Implement Manufacturers. Carlisle. Pet Nov 1. Ord Dec 2.
- Hitchcock, Ellen Escott, Bristol, Greengrocer. Bristol. Pet Dec 2. Ord Dec 3.
- Hitchon, Frederick, Kidderminster, no occupation. Kidderminster. Pet Nov 29. Ord Dec 3.
- Hobbs, Henry, Stockton on Tees, Jeweller. Stockton on Tees and Middlesbrough. Pet Oct 20. Ord Nov 28.
- Hollins, William, Southampton, Harness Maker. Southampton. Pet Oct 10. Ord Dec 3.
- Jordan, Edward Smith, West Hartlepool, Shipowner. Sunderland. Pet Oct 22. Ord Dec 3.
- Jordan, William, Newcastle on Tyne, Innkeeper. Newcastle on Tyne. Pet Dec 1. Ord Dec 2.
- Large, Frederick Chatfield, Broadstairs, Kent, Gent. Canterbury. Pet Nov 14. Ord Nov 28.
- Lindsey, George William, Margate, Police Constable. Canterbury. Pet Nov 24. Ord Dec 1.
- Mather, Thomas, Willington Quay, Northumberland, Cowkeeper. Newcastle on Tyne. Pet Dec 2. Ord Dec 3.
- McClintock, Hugh, Lower Broughton, Salford, Lancashire, Travelling Draper. Salford. Pet Nov 7. Ord Dec 3.
- Morris, Henry, Pontypridd, Glamorganshire, Tailor. Pontypridd. Pet Dec 1. Ord Dec 2.
- Moxon, John, Hollyland, Nether, near Barnsley, Yorkshire, Joiner. Barnsley. Pet Dec 1. Ord Dec 2.
- Oliver, Frederick, Plymouth, Hester. East Stonehouse. Pet Nov 14. Ord Dec 1.
- Parkinson, Alfred Ernest, and Harold Parkinson, Macclesfield, Ironmongers. Macclesfield. Pet Nov 19. Ord Nov 28.
- Price, William Morgan, Cardiff, Draper. Cardiff. Pet Oct 27. Ord Nov 24.
- Robinson, Thomas, Huddersfield, Publican. Huddersfield. Pet Dec 1. Ord Dec 2.
- Radforth, Arthur John, and John Rodgers Harvey, Sheffield, Pawnbrokers. Sheffield. Pet Nov 14. Ord Dec 3.
- Ranken, John Smith, and James Ranken, Great Winchester st, East India Merchants. High Court. Pet Oct 28. Ord Dec 2.
- Sanderson, James, Over Darwen, Lancashire, Oil and Tallow Refiner. Blackburn. Pet Sept 10. Ord Dec 2.
- Snowball, Thomas, Sunderland, Earthenware Manufacturer. Sunderland. Pet Nov 4. Ord Nov 29.
- Stevens, Samuel William, Dumbleton rd, Loughborough Junction, Corn Merchant. High Court. Pet Oct 15. Ord Dec 2.
- Uren, John, Hollywood, King's Norton, Worcestershire, Clerk. Birmingham. Pet Nov 29. Ord Dec 2.
- Watson, John, Dynham rd, West Hampstead, Builder. High Court. Pet Oct 9. Ord Dec 1.
- Webb, Frederick, Cheltenham, Tailor. Cheltenham. Pet Dec 1. Ord Dec 3.
- Weir, George, Bristol, Dental Surgeon. Bristol. Pet Dec 1. Ord Dec 1.
- Wylie, David, Regent st, occupation unknown. High Court. Pet Mar 12. Ord Dec 2.
- TUESDAY, Dec 9, 1884.
- RECEIVING ORDERS.
- Atkinson, Alexander, Nottingham, Shoemaker. Nottingham. Pet Dec 4. Ord Dec 4. Exam Jan 20.
- Baunham, Henry Ernest, East Harling, Norfolk, Corn Merchant. Norwich. Pet Dec 4. Ord Dec 4. Exam Jan 14 at 2 at Shirohall, Norwich Castle.
- Barneby, John, Wolverhampton, Factor's Clerk. Wolverhampton. Pet Dec 5. Ord Dec 5. Exam Dec 19.
- Bolt, Henry, Wimbledon, Surrey, Builder. Kingston. Pet Aug 20. Ord Dec 5. Exam Jan 9 at 8.30.
- Cordon, William T., jun, Nottingham, Contractor. Nottingham. Pet Dec 6. Ord Dec 6. Exam Jan 20.
- Crookall, Lawrence, Lancaster, Horse Dealer. Preston. Pet Dec 4. Ord Dec 4. Exam Jan 9.
- Davy, Peter Murray, and Frank Davy, Manchester, Cutlers. Manchester. Pet Dec 4. Ord Dec 4. Exam Dec 18 at 2.
- Flint, Edward Arthur, Oulton, Rothwell, Yorkshire, Farmer. Wakefield. Pet Nov 19. Ord Dec 1. Exam Dec 16.
- Garrod, Henry, Eastcheap, Wine Merchant. High Court. Pet Dec 4. Ord Dec 4. Exam Jan 22 at 11 at 34, Lincoln's Inn fields.
- Hall, Renault St John, Stanley ter, Teddington. Kingston. Pet Nov 4. Ord Dec 5. Exam Jan 9 at 4.30.
- Henderson, Alfred, Gloucester, Solicitor. Gloucester. Pet Dec 4. Ord Dec 4. Exam Jan 20.
- Henman, Edward Thomas, and Edward Thomas Henman, jun, Shoreditch, Stationers. High Court. Pet Dec 4. Ord Dec 4. Exam Jan 23 at 11 at 34, Lincoln's Inn fields.
- Honeyman, John, Newcastle on Tyne, out of business. Newcastle on Tyne. Pet Dec 4. Ord Dec 4. Exam Dec 16.
- Howell, Robert, Watling st, Commission Agent. High Court. Pet Dec 6. Ord Dec 6. Exam Jan 23 at 11 at 34, Lincoln's Inn fields.
- Hussey, Ellen, Cardiff, of no occupation. Pembroke Dock. Pet Dec 5. Ord Dec 6. Exam Dec 17 at 1.30 at Temperance Hall, Pembroke Dock.
- Jamson, John, Nottingham, out of business. Nottingham. Pet Dec 5. Ord Dec 5. Exam Jan 20.
- Johnson, Alfred, Newport Pagnell, Buckinghamshire, Boot Dealer. Northampton. Pet Dec 5. Ord Dec 5. Exam Jan 7.
- Keppel, the Hon Fanny, St Leonards, Sussex, Widow. High Court. Pet Nov 19. Ord Dec 5. Exam Jan 22 at 11 at 34, Lincoln's Inn fields.
- King, Robert, Hill Farm, Creasby, Farmer. Birkenhead. Pet Nov 23. Ord Dec 4. Exam Dec 17 at 11.
- Levitt, Alfred, Swaffham Fen, nr Soham, Cambridgeshire, Farmer. Cambridge. Pet Dec 6. Ord Dec 6. Exam Dec 17 at 2.
- May, William, Liverpool, Master Carter. Liverpool. Pet Dec 4. Ord Dec 4. Exam Dec 15 at 12.
- McCandlish, Richard Dickie, Holly village, Highgate, Clerk. High Court. Pet Dec 4. Ord Dec 4. Exam Jan 22 at 11 at 34, Lincoln's Inn fields.
- McNae, Robert, Rostrevor terr, Fulham, Auctioneer. High Court. Pet Nov 4. Ord Dec 5. Exam Jan 22 at 11 at 34, Lincoln's Inn fields.
- Middleton, Frederick, Rugeley, Licensed Victualler. Stafford. Pet Dec 5. Ord Dec 5. Exam Jan 7 at 12 at Shirehall, Stafford.
- Napper, Herbert Hume, Harborne, Staffordshire, Commercial Traveller. Birmingham. Pet Dec 4. Ord Dec 4. Exam Jan 7 at 2.
- Pennell, John, Fullstow, Lincolnshire, Farmer. Gt Grimsby. Pet Dec 5. Ord Dec 5. Exam Dec 17 at 12.15 at Townhill, Gt Grimsby.
- Price, James, Rugby, Warwickshire, Innkeeper. Coventry. Pet Dec 4. Ord Dec 5. Exam Dec 22 at 3 at County hall, Coventry.
- Fryer, George, Wightman rd, Horncastle, Builder. High Court. Pet Dec 1. Ord Dec 4. Exam Jan 22 at 11 at 34, Lincoln's Inn fields.
- Pye, John, Widnes, Lancashire, Tool Maker. Liverpool. Pet Dec 5. Ord Dec 5. Exam Dec 15 at 12.
- Raine, John, Sunderland, Coal Merchant. Sunderland. Pet Dec 6. Ord Dec 6. Exam Dec 18 at 2.30.
- Steven, Oswald, Leamington Priors, Warwickshire, Saddler. Warwick. Pet Dec 5. Ord Dec 6. Exam Jan 13.
- Szapira, Jacob, Brighton, Jeweller. Brighton. Pet Dec 4. Ord Dec 5. Exam Jan 8 at 12.
- Tetley, Richard James, Cannock, Staffordshire, Cotton Broker. Walsall. Pet Nov 24. Ord Dec 4. Exam Dec 22 at 12.
- Thompson, John Bolton, Newcastle on Tyne, Grocer. Newcastle on Tyne. Pet Dec 5. Ord Dec 5. Exam Dec 18.
- Waddell, William, and William Jones Evans, Liverpool, Tea Dealers. Liverpool. Pet Nov 29. Ord Dec 4. Exam Dec 15 at 11.
- Wilkinson, George, Wallsend, Northumberland, Grocer. Newcastle on Tyne. Pet Nov 19. Ord Dec 4. Exam Dec 18.
- FIRST MEETINGS.
- Atkinson, Alexander, Nottingham, Shoemaker. Dec 16 at 2. Official Receiver, Exchange walk, Nottingham.
- Barnley, John, Wolverhampton, Factor's Clerk. Dec 18 at 10. Official Receiver, St Peter's close, Wolverhampton.
- Beet, Thomas, Union st, Oxford st, Bookseller. Dec 22 at 11. Bankruptcy bldgs, Portugal st, Lincoln's Inn fields.
- Crookall, Lawrence, Lancaster, Horse Dealer. Dec 18 at 3.30. Law Society Sale Rooms, Castle hill, Lancaster.
- Dillon, John, Bradford, Draper. Dec 17 at 11. Official Receiver, 33, Carey st, Lincoln's inn.
- Dodd, John, and Frederick Norton, Hulme, Manchester, Grocers. Dec 19 at 11. Official Receiver, Ogden's chbrs, Bridge st, Manchester.
- Drew, Henry, Abbeywood, Kent, Cowkeeper. Dec 16 at 11. Official Receiver, 109, Victoria st, Westminster.
- Eaman, Samuel, Scarborough, Bootmaker. Dec 17 at 12. Official Receiver, 74, Newborough st, Scarborough.
- Endcox, George, Lower Park rd, Peckham, Licensed Victualler. Dec 22 at 11. 33, Carey st, Lincoln's Inn.
- Flint, Edward Arthur, Oulton, Rothwell, Yorkshire, Farmer. Dec 18 at 1. Mr. John Bowring, 22, Park row, Leeds.
- Foster, Blanche, Upper Grosvenor st, Widow. Dec 23 at 12. 33, Carey st, Lincoln's inn.
- Galbraith, John G., Dulwich, Surrey, Commission Agent. Dec 18 at 12. 33, Carey st, Lincoln's inn.
- Gibson, Adam Halliday, Mincing lane, Merchant. Dec 23 at 11. 33, Carey st, Lincoln's inn.
- Gwynne, Frederick Charles, Abergavenny, Clothier. Dec 17 at 12. Official Receiver, Merthyr Tydfil.
- Henderson, Alfred, Gloucester, Solicitor. Dec 18 at 11. Spread Eagle Hotel, Gloucester.
- Honeyman, John, Newcastle on Tyne, out of business. Dec 16 at 2.30. Official Receiver, County chbrs, Westgate rd, Newcastle.
- Hutt, Mark Broadway, Stratford, Furniture Dealer. Dec 22 at 12. 33, Carey st, Lincoln's inn.
- Lambert, Charles, Northwich, Cheshire, Salt Manufacturer. Dec 16 at 12.30. Petty Sessional Court house, Nantwich.
- Lewis, Robert, Dyer's bldgs, Holborn, Electro Plate Dealer. Dec 23 at 1. 33, Carey st, Lincoln's inn.
- Marshall, John, Newark upon Trent, Nottinghamshire, Baker. Dec 16 at 12. Official Receiver, Exchange walk, Nottingham.
- May, William, Liverpool, Master Carter. Dec 16 at 12. Official Receiver, 35, Victoria st, Liverpool.
- Milnes, Ben, Bradford, Innkeeper. Dec 17 at 12. Official Receiver, Iveygate chbrs, Bradford.
- Napper, Hume-Herbert, Harborne, Staffordshire, Commercial Traveller. Dec 17 at 11. Official Receiver, Birmingham.
- Nicholls, Joseph Lister, Landridge rd, Fulham, Foreman. Dec 22 at 2. 33, Carey st, Lincoln's inn.
- Nield, William, Stalybridge, Cheshire, Butcher. Dec 16 at 8. Official Receiver, Townhall chbrs, Ashton under Lyne.
- Olden, Thomas, Newtown, Lockyer, Hampshire, Market Gardener. Dec 17 at 2. Official Receiver, 4, East st, Southampton.
- Ormerod, Frank William, Hollybush hill, Hampshire, Gent. Dec 22 at 1 at 33, Carey st, Lincoln's inn.
- Pate, William, Landport, Hampshire, Tailor. Dec 18 at 12.30 at Chamber of Commerce, 145, Cheapside.
- Pennell, John, Fullstow, Lincolnshire, Farmer. Dec 19 at 12 at the King's Head Hotel, Louth.
- Price, James, Rugby, Innkeeper. Dec 18 at 12. Official Receiver, 46, Jordan well, Coventry.
- Stokes, Thomas, Headingley, Leeds, Plumber. Dec 17 at 11. Official Receiver, St Andrew's chbrs, 22, Park row, Leeds.
- Tetley, Richard James, Hall Court, Cannock, Staffordshire, Cotton Broker. Dec 29 at 10.30. Official Receiver, Bridge st, Walsall.
- Thompson, John Bolton, Newcastle on Tyne, Grocer. Dec 18 at 3. Official Receiver, County chbrs, Westgate rd, Newcastle on Tyne.
- Walters, William, Halifax, Woolstapler. Dec 19 at 10.30. Official Receiver, Townhall chbrs, Halifax.
- Wilkinson, George, Wallsend, Northumberland, Grocer. Dec 18 at 2. Official Receiver, County chbrs, Westgate rd, Newcastle on Tyne.
- JUDGEMENTS.
- Alexander, Jacob, Edgware rd, Fruiterer. High Court. Pet Sept 9. Ord Dec 4.
- Bannister, Thomas, and Thomas Hoyle, Bolton, Coal Merchants. Bolton. Pet Nov 10. Ord Dec 4.
- Bedingfield, Sydney Soames, Newtown, Southampton, Tobacconist. Southampton. Pet Nov 11. Ord Dec 4.
- Beer, FitzGeorge, Chancery rd, Herne Hill, Commercial Traveller. High Court. Pet Oct 3. Ord Dec 3.
- Bell, Lister, Old Cheshire rd, Tranmere, Provision Dealer. Birkenhead. Pet Nov 15. Ord Dec 5.
- Bevan, David, Gaunsaegurwen, Carmarthenshire, Grocer. Neath. Pet Nov 19. Ord Dec 5.
- Cornells, George, Formosa st, Maida Vale, Bootmaker. High Court. Pet Sept 17. Ord Dec 3.
- Davy, Peter Murray, and Frank Davy, Manchester, Cutlers. Manchester. Pet Dec 4. Ord Dec 4.
- De Melihao, Jules, Falgrave, Scarborough, Professor of French. Scarborough. Pet Dec 1. Ord Dec 4.
- Evans, John Morris, Liscard, Cheshire, Builder. Birkenhead. Pet Nov 20. Ord Dec 5.

Fryer, Samuel Winn, Leeds, Trunk Manufacturer. Leeds. Pet Dec 3. Ord Dec 5.
 Garrod, Henry, Eastcheap, Wine Merchant. High Court. Pet Dec 4. Ord Dec 4.
 Grimshaw, T M, Moses' Gate, nr Bolton, Paper Maker's Agent. Bolton. Pet May 30. Ord July 15.
 Gur, Walter, Faversham, Kent, Grocer. Canterbury. Pet Nov 22. Ord Dec 3.
 Hallaway, John, York, Hay Dealer. York. Pet Nov 30. Ord Dec 6.
 Holland, Alfred, George yd, Lombard st, Club Proprietor. High Court. Pet Oct 31. Ord Dec 6.
 Honeyman, John, Newcastle upon Tyne, out of business. Newcastle on Tyne. Pet Dec 4. Ord Dec 5.
 Hughes, Charles R., St Asaph, Denbighshire, Printer. Bangor. Pet Nov 4. Ord Dec 4.
 Johnson, Alfred, Newport Pagnell, Buckinghamshire, Boot Dealer. Northampton. Pet Dec 5. Ord Dec 5.
 King, Robert, Hill Farm, Greasby, Farmer. Birkenhead. Pet Nov 25. Ord Dec 5.
 Knight, John Catlow, and Arthur Langford Knight, Leeds, Stationers. High Court. Pet Oct 11. Ord Dec 3.
 Lilley, Samuel, Leeds, Builder. Leeds. Pet Dec 2. Ord Dec 4.
 Mathias, Stewart William, Liscard, Cheshire, Chandler. Birkenhead. Pet Nov 12. Ord Dec 5.
 Napper, Herbert Hume, Harborne, Staffordshire, Commercial Traveller. Birmingham. Pet Dec 4. Ord Dec 5.
 Pye, John, Widnes, Lancashire, Tool Maker. Liverpool. Pet Dec 5. Ord Dec 5.
 Smith, Joseph William, Heigham, Norfolk, Baker. Norwich. Pet Nov 18. Ord Dec 5.
 Smith, Sidney Anderson, Chatteris, Cambridgeshire, Clerk. Peterborough. Pet Nov 20. Ord Dec 5.
 Summers, William, Hackney rd, Tanner. High Court. Pet Oct 13. Ord Dec 4.
 Taylor, John, Cullercoats, Northumberland, no occupation. Newcastle on Tyne. Pet Dec 2. Ord Dec 5.
 Thomas, David, Swansea, Builder. Swansea. Pet Nov 21. Ord Dec 6.
 Thompson, John Bolton, Newcastle on Tyne, Grocer. Newcastle on Tyne. Pet Dec 5. Ord Dec 6.
 Treble, George, Whitmore rd, Hoxton, Shopfitter. High Court. Pet Oct 8. Ord Dec 5.
 Wilkinson, George, Wallsend, Northumberland, Grocer. Newcastle on Tyne. Pet Nov 19. Ord Dec 4.
 Darling, Harold Pechell, Kingston on Hull, Seed Crusher. Kingston on Hull. Adjud May 2. Annull Dec 1.

ADJUDICATION ANNULLED.

The Subscription to the SOLICITORS' JOURNAL is—Town, 26s.; Country, 28s.; with the WEEKLY REPORTER, 52s. Payment in advance includes Double Numbers and Postage. Subscribers can have their Volumes bound at the office—cloth, 2s. 6d., half law calf, 5s. 6d.

All letters intended for publication in the "Solicitors' Journal" must be authenticated by the name of the writer.

Where difficulty is experienced in procuring the Journal with regularity in the Country, it is requested that application be made direct to the Publisher.

CONTENTS.

CURRENT TOPICS	109
INFANTS' MAINTENANCE UNDER THE CONVEYANCING ACT	110
THE LAW IN THE SIXTEENTH CENTURY	111
THE ORGANIZATION OF A SOLICITOR'S OFFICE	113
CORRESPONDENCE	114
CASES OF THE WEEK:—	
COURT OF APPEAL:—	
The Queen v. Sibley	114
Ashey v. Jones	114
Harvey v. Lovekin	115
HIGH COURT OF JUSTICE:—	
Davies v. Smith	115
In re Dickson, Hill v. Grant	115
In re Lawson's Trusts	115
Oldham v. Stanger	116
In re Hart's Settled Estates	116
Quirk v. Quirk	116
In re Barker	116
REG. v. DUDLEY	116
Clark, Appellant, v. The Queen, Respondent	116
BANKRUPTCY CASES:—	
Ex parte Dearie	117
Ex parte Please	117
Ex parte Arden	117
Ro Asphalt & Sons	118
CASES AFFECTING SOLICITORS:—	
Re Miller & Miller, and Re French, Love v. Hills	118
In re Chow	118
LAW STUDENTS' JOURNAL	118
LEGAL APPOINTMENTS	119
OBITUARY	119
LEGISLATION OF THE WEEK	120
COURT PAPERS	120
COMPANIES	120
CREDITORS' CLAIMS	120
LONDON GAZETTE, &c., &c.	121

SCHWEITZER'S COCOATINA

Anti-Dyspeptic Cocoa or Chocolate Powder. Guaranteed Pure Soluble Coco of the Finest Quality with the excess of f extracted.

The Faculty pronounce it "the most nutritious, perfectly digestible beverage for Breakfast, Luncheon, or Supper, and invaluable for Invalids and Children."

Highly recommended by the entire Medical Press.

Being without sugar, spice, or other admixture, it suits all palates keeps for years in all climates, and is four times the strength of cocoas THICKENED yet WEAKENED with starch, &c., and IS REALITY CHEAPER than such Mixtures.

Made instantaneously with boiling water, a teaspoonful to a Breakfast Cup, costing less than a halfpenny.

COCOCATINA à LA VANILLE is the most delicate, digestible, cheapest Manilla Chocolate, and may be taken when richer chocolate is prohibited.

In time at 1s. 6d., 2s., 2s. 6d., &c., by Chemists and Grocers.

Charities on Special Terms by the Sole Proprietor, H. SCHWEITZER & Co., 10 Adam-st., Strand, London, W.

A DVOWSON WANTED, to PURCHASE, in South of England. One of very small value not objected to. Early possession, but not necessarily immediate. Moderate High Churchman.—Address, Rev. M.A., Mr. Eland's Library, Exeter.

L AW.—A Gentleman, articled in London, qualified, but not Admitted, who has read with a Conveyancing Counsel, Desires a Conveyancing, Chancery, or General Clerksip, in town or country. Moderate salary; good references.—Address, S. J. W. Withersby's, 74, Cornhill, London.

L AW.—Advertiser, aged 23, is desirous of Entering into Articles with London Solicitor; has had eight years' experience; premium given; salary required.—R., 3, Ellington-road, Shepherd's Bush, W.

L AW.—Wanted, by a Solicitor (Admitted 1881), a Re-engagement as Conveyancing Clerk; highest references; salary moderate.—Address, R. A. CLARKE, Norwood, Kirby Lonsdale.

L AW TUTOR.—A Barrister coaches for the Bar, Solicitors', and all Legal Examinations Each pupil taken separately. Terms moderate.—Address, L. C., "Solicitors' Journal" Office, 27, Chancery-lane, W.C.

L AW BOOKS.—To the Legal Profession. Li—WILDY & SONS, Law Booksellers and Exporters, Lincoln's-inn Archway, London, W.C., are open to PURCHASE LAW LIBRARIES (large or small) in Town or Country. Valuations made for Probate, Partnership, &c. (Licensed Valuers). Established 1880.

BOOKS.—To Executors, Solicitors, and Others. HENRY SOTHERAN & CO., 136 Strand, W.C., Second-hand Booksellers, are prepared to PURCHASE LIBRARIES, or Smaller Collections of Books, either in Town or Country, and to give the Utmost Value in Cash. Experienced Valuers sent. Removal without trouble or expense to vendors. (Established 1816.)

**EDE AND SON,
ROBE MAKERS,**

BY SPECIAL APPOINTMENT,

To Her Majesty, the Lord Chancellor, the Whole of the Judicial Bench Corporation of London &c.

ROBES FOR QUEEN'S COUNSEL AND BARRISTERS**SOLICITORS' GOWNS**

Law Wigs and Gowns for Registrars, Town Clerks, and Clerks of the Peace

CORPORATION ROBES. UNIVERSITY & CLERGY GOWNS

ESTABLISHED 1880.

94. CHANCERY LANE, LONDON.

M R. WALTER LAWRENCE (late Scholar of St. John's College, Oxford), Barrister-at-Law, Reads in Chambers for the Roman Law and Bar Final, and Solicitors' Intermediate and Final Examinations.—Address, 4, Hague-court, Temple.

M R. C. EASTON JOLLIFFE, LL.M. Cambridge, Barrister, coaches for all Legal Examinations. Eight years' experience. Only one failure in the last two years. Classes for April Solicitors' Final and Intermediate begin January 26. Fee, 10 guineas.—13, Old-square, Lincoln's-inn.

TUITION.—Two Barristers (Cambridge Graduates) Read with Pupils, in Classes and separately for the Examinations of the Inns of Court, the Law Society, and the Institute of Chartered Accountants. Special attention to backward pupils. Address, EXAM., Reeves & Turner, 100, Chancery-lane.

C LASSSES FOR PRELIMINARY LAW.— Matriculation, Civil Service, and other examinations held in the Temple by T. G. Williams, B.A. (London), Barrister, and M. Vandeneereboom, LL.D. (Louvain), Avocat. Terms very moderate.—Address, M. VANDENEEREBOM, 5, Thanet-place, Strand.

I F you want Money without Fees—amounts £10 to £1,00—before applying elsewhere see Mr. O. CLIBURN, personally if possible, 40, Great Tower-street.

Now ready.
T HE LEGAL and GENERAL DIARY and COUNTY COURTS GUIDE for 1885 (Thirty-eighth Year), containing all the usual information. Prices: Ruled with faint lines, with or without cash columns, denry 8vo, superior thick paper.—

No.	s. d.
1. Page a day	6 0
2. Ditto (Diary and Calendar only)	4 0
3. Half a page a day	4 0
4. Ditto (Diary and Calendar only)	2 6
5. Week at an opening	2 6
6. Diary and Calendar only	1 0

Printed and published by BYXON & BRIDGE, Law Stationers, Printers, and Publishers of Law Forms, at 22, Chancery-lane, W.C.

CITY OF LIVERPOOL.

A SSISTANT TOWN CLERKSHIP.—The Finance and Estate Committee of the Council of the City of Liverpool are prepared to receive Applications for the Appointment of Assistant Town Clerk. Applicants must be duly qualified Solicitors, and must be thoroughly experienced in Conveyancing. Salary £350 per annum, subject to a contribution of 5 per cent. to the Corporation Superannuation Fund. The gentleman appointed will be required to devote his whole time to the duties of his office, and will not be allowed to undertake any private practice. The engagement will be determinable by three months' notice on either side, which may be given at any time. Applications, accompanied by testimonials, and stating the age of the candidate, must be endorsed, "Assistant Town Clerkship," and sent, addressed to the Chairman of the Finance and Estate Committee, under cover, to the Town Clerk, Municipal Offices, Liverpool, before the 2nd of December, 1884.—By order,
GEORGE J. ATKINSON, Town Clerk.
Town Clerk's Office, Liverpool, 5th December, 1884.

Now published, price 3s.

L UMLEY'S PUBLIC HEALTH: including all Statutes relating to Public Health to the end of the Session, 1884; with Notes containing all Cases to date of Publication; Index, &c. Second Edition. By W. PATCHETT, Esq., Q.C., and A. MACMORRAN, M.A., Barrister-at-Law.

Now published, price 10s. 6d.

S UMMARY JURISDICTION ACTS, 1848 to 1884; Regulating the Duties of Justices of the Peace with respect to Summary Convictions and Orders and Indictable Offences; also the Prosecution of Offences Acts, 1879 to 1884; with copious Notes, Cases, Index, and Appendix of Statutes. Fifth Edition. By W. C. GLEN, Esq., Barrister-at-Law.

London: SHAW & SONS, Fetter-lane, E.C.

Just published, 8vo, 12s. 6d.

D ISCOVERY: The Principles and Practice: with an Appendix of Forms, including suggested Forms for stating Objections to Discovery. By EDWARD BRAY, Barrister-at-Law.

Just published, 8vo, 5s.

M ARRIED WOMEN.—The History of the Laws Affecting the Property of Married Women in England (being the Essay which obtained the Yorke Prize of the University of Cambridge). By BASIL EDWIN LAWRENCE, M.A., LL.M.

Just published, Second Edition, 8vo, 15s.

P ROBATE and A DMINISTRATION; Law and Practice in Common Forms and Contention Business. By J. DIXON, Barrister-at-Law.

REEVES & TURNER, 100, Chancery-lane, London.

Now ready, price 1s.

T HE LAW ALMANACK for 1885 contains Revised Stamps under Bankruptcy Act. THOMAS SCOTT, Warwick-court, Holborn; and all Law Stationers.

CITY.

By order of the Mortgagors.—A high-class, fully-licensed Wine and Spirit Establishment, known as the Salutation Tavern, Newgate-street, occupying a superficial area of over 3,000 feet, recently erected under the direct supervision of the surveyor to the Ecclesiastical Commissioners of England, who are the freeholders.

MR. WALTER KNIGHT is instructed to SELL BY AUCTION, at the MASON'S HALL TAVERN, City, on THURSDAY, DECEMBER 18, at ONE o'clock, the exceedingly valuable LEASE for nearly 50 years, with possession, of the above celebrated HOSTELRY, reputed for its excellent cuisine and homely comforts. The premises have been rebuilt and fitted at a lavish outlay, and comprise a lofty, well-arranged public bar; also a private bar leading to spacious dining saloons lighted with stained glass dome. Also a grand Masonic temple with ante-room. On the basement is a well-proportioned and ventilated billiard room for three tables. The kitchens are at the top of the house, with concrete fireproof floors, fitted with Lafontaine's hot plates and accessories. The private domestic arrangements are ample for a family and the resident staff. The sanitary arrangements and lavatory accommodation are perfect.

Cards to view of the Auctioneer. Particulars and conditions of sale of Messrs. Wood & M'Lellan, Solicitors, Chatham; at the place of sale; and at the Offices, 104, Great Russell-street, Bloomsbury, W.C.

ESSEX, YORKS, and NORFOLK.

Freehold Securities of an exceptional character. **M**ESSRS. PRICKETT, VENABLES, & CO. will SELL by AUCTION, at the MART, Tokenhouse-yard, in the City of London, on THURSDAY, DECEMBER 18, at TWO precisely, in Lots, the RENT-CHARGES or FEE FARM-RENTS, amounting to £173 2s. 6d. per annum, issuing out of, and secured upon, Manors, rectories, lands, &c., in the counties of Essex, York, and Norfolk, payable respectively by the several lords of the manors, rectors, and other responsible landowners.

Particulars at the Mart, City; of E. T. TADMAN, Esq., Solicitor, 4, Gray's-inn-place, London, W.C.; and of the Auctioneers, 53, Chancery-lane, W.C., Highgate, N., and Barnet, Herts.

SALES FOR THE YEAR 1885.

MESSRS. DEBENHAM, TEWSON, FARMER, & BRIDGEWATER beg to announce that their SALES OF LANDED ESTATES, Investments, Town, Suburban, and Country Houses, Business Premises, Building Land, Ground-rents, Advowsons, Reversions, Stocks, Shares, and other Properties, will be held at the Auction Mart, Tokenhouse-yard, near the Bank of England, in the City of London, as follows:

Tues., Jan 6	Tues., April 21	Tues., July 21
Tues., Jan 20	Tues., April 28	Tues., July 28
Tues., Feb 3	Tues., May 5	Tues., Aug 4
Tues., Feb 17	Tues., May 12	Tues., Aug 11
Tues., Feb 24	Tues., May 19	Tues., Aug 18
Tues., Mar 3	Tues., June 2	Tues., Aug 25
Tues., Mar 10	Tues., June 9	Tues., Oct 6
Tues., Mar 17	Tues., June 16	Tues., Oct 20
Tues., Mar 24	Tues., June 23	Tues., Nov 10
Tues., Mar 31	Tues., June 30	Tues., Nov 24
Tues., April 14	Tues., July 7	Tues., Dec 15

Auctions can also be held on other days. In any case due notice should be given, in order to insure proper publicity; the period between such notice and the auction must, of course, considerably depend upon the nature of the property intended to be sold.—30, Cheapside, London.

MESSRS. DEBENHAM, TEWSON, FARMER, & BRIDGEWATER'S LIST of ESTATES and HOUSES to be SOLD OR LET, including Landed Estates, Town and Country Residences, Hunting and Shooting Quarters, Farms, Ground Rents, Rent Charges, House Property and Investments generally, is published on the first day of each month, and may be obtained, free of charge, at their offices, 60, Cheapside, E.C., or will be sent by post in return for two stamps.—Particulars for insertion should be received not later than four days previous to the end of the preceding month.

MESSRS. JOHNSON & DYMOND beg to announce that their sales by Auction of Plate, Watches, Chains, Jewellery, Precious Stones, &c., are held on Mondays, Wednesdays, Thursdays, and Fridays.

The attention of Solicitors, Executors, Trustees, and others is particularly called to this ready means for the disposal of Property of deceased and other clients.

In consequence of the frequency of their sales, Messrs. J. & D. are enabled to include large or small quantities at short notice (if required).

Sale of Furniture held at private houses.

Valuations for Probate or Transfer. Terms on application to the City Auction Rooms (established 1793), 28 and 30, Gracechurch-street, E.C.

Messrs. Johnson & Dymond beg to notify that their Auction Sales of Wearing Apparel, Piece Goods, Household and Office Furniture, Carpets, Bedding, &c., are held on each day of the week (Saturday excepted).

TO SOLICITORS and Others.—Lofty and Well-lighted Offices and Chambers to be Let at Lonsdale Chambers, No. 27, Chancery-lane (opposite the New Law Courts).—Apply to Messrs. LAUNDRY & CO., Chartered Accountants, on the premises.

HOUSES in BELGRAVIA, SOUTH KENSINGTON, and MAYFAIR.

MESSRS. BARKER & NEATE'S Printed Register, containing particulars of numerous First-class HOUSES and MANSIONS to be Let and Sold in the above districts, can be obtained at their Offices, 26, Motcomb-street, Belgrave-square, S.W.

CITY LEASEHOLDS.—Messrs. ROBERTS & BARNARD, Auctioneers and Surveyors, can Offer for Sale some unusually good long Leasehold Investments, to pay from 6 to 6½ per cent., all let on repairing leases. Purchase-money from £1,300 to £30,000.—Apply at their Offices, 53 and 54, Chancery-lane, W.C.

CITY FREEHOLDS.—Several First-class Freehold Properties for Sale, in and on the borders of the City; all let upon lease to most substantial firms; purchase-money from £2,500 to £24,000; well suited for trustees and investors.—For particulars apply to Messrs. ROBERTS & BARNARD, Surveyors and Auctioneers, 53 and 54, Chancery-lane, W.C.

MORTGAGE.—£1,000 Required on Two well-built, semi-detached Houses of very handsome elevation, now being finished; rental value £20 per annum; each house subject to a ground-rent of £10.—For further particulars address EDGAR TAYLOR, Esq., Architect, Trevervor Lodge, South Park-road, Wimbledon.

OFICES to LET.—Lincoln's-inn-fields.—A Firm of Solicitors, having the Ground Floor of one of the best Houses on the North side of Lincoln's-inn-fields, and having more room than they require, are desirous of letting part, consisting of two good Rooms with fitted lavatory, W.C., and use of waiting room. A Commissioner attends to clients in the waiting room during business hours, and lives on the premises. Moderate inclusive rent. Apply to Mr. D. J. CHATTELL, Estate Agent, 29A, Lincoln's-inn-fields.

TO be LET.—The late Mr. H. R. DROOP'S Chambers, No. 1, New-square.—Large room and clerk's room on second floor; three rooms on third floor.—Apply to Mr. Droop's Clerk, 1, New-square; or to Mr. THOMAS WEBSTER, 43, Lincoln's-inn-fields.

WARD of COURT.—A Lady is prepared to take Charge of a Young Lady—a Ward of Court (or otherwise) comfortable home and good society references. Replies to GUARDIAN, care of Messrs. Street & Co., 30, Cornhill.

THE NEW ZEALAND LAND MORTGAGE COMPANY, Limited.

Capital £2,000,000, fully subscribed by more than 250 shareholders. £100,000 paid up.

The Company's loans are limited to first-class freehold mortgages. The Debenture issue is limited to the uncalled capital.

HOME DIRECTORS.
H. J. BRISTOW, Esq. Sir WILLIAM T. POWER,
W. K. GRAHAM, Esq. K.C.B.
FALCONER LARKWORTHY, THOS. RUSSELL, Esq.,
Esq. C.M.G.
ARTHUR M. MITCHISON, Sir EDWARD W. STAFFORD, K.C.M.G.
Chairman of Colonial Board—late Premier of New Zealand.

The Directors are issuing Terminable Debentures bearing interest at 5 per cent. for seven or ten years, 4 per cent. for five, and 4 per cent for three years. Interest half yearly by Coupons.

A. M. MITCHISON, Managing Director, Leadenhall-buildings, Leadenhall-st., London, E.C.

NATIONAL DISCOUNT COMPANY (LIMITED).

Subscribed Capital £4,233,333. Paid-up, £246,000.
Reserve Fund, £46,000.

Notice is hereby given, that the present Rates of Interest allowed for deposits are as follows—viz.:—Four per Cent. per annum at Call.

Four and a Quarter per Cent. at Seven and Fourteen Days' Notice.

WILLIAM HANCOCK, Manager.
CHARLES H. HUTCHINS, Sub-Manager.
No. 30, Cornhill, E.C., December 11, 1884.

PERILS ABOUND ON EVERY SIDE.

THE RAILWAY PASSENGERS' ASSURANCE COMPANY, 64, CORNHILL,

Insures against Accidents of all kinds, on Land or Water, and has

THE LARGEST INVESTED CAPITAL,
THE LARGEST INCOME,
And pays Yearly

THE LARGEST AMOUNT OF COMPENSATION
of any Accidental Assurance Company.

CHAIRMAN: HARVEY M. FARQUHAR, Esq.

Apply to the Clerks at the Railway Stations, the Local Agents, or

West-end Office: 8, GRAND HOTEL BUILDINGS,
CHARING CROSS,
Or at the

Head Office: 64, CORNHILL, LONDON, E.C.
WILLIAM J. VIAN, Secretary.

THE ECONOMIC LIFE ASSURANCE SOCIETY (Established 1823), 6, NEW BRIDGE-STREET, BLACKFRIARS, LONDON, E.C., affords Mutual Assurance with perfect security without individual Liability.

THE FUNDS now amount to £3,619,661, and Annual Income to £377,000.

The Directors having carefully revised their rates for non-participating assurances, Policies may now be effected at proportionately low rates of premium, Without Profits.

The attention of those who desire to effect Policies, at the lowest present cost, is invited to the Society's new Prospectus.

BONUS POLICIES.

RATES OF PREMIUM.—From 9 to 26 per cent. less than those charged by other Life Offices.

RESULTS OF ECONOMICAL MANAGEMENT.—Large Bonuses have been declared. Instances are on record of Policies having been trebled by Bonuses.

DIVISION OF PROFITS.—By the mode of dividing the profits, Policies are not only valuable as a provision in case of early death, but become increasingly valuable as an investment in old age.

SPECIMENS OF POLICIES IN FORCE AT VALUATION, 1883.

Policy effected in the Year	Age at Entry	Sum originally Assured	Bonus as of 1883	Total Sum Assured	Percentage of Bonus on Premiums paid.	Surrender Value of Policy and Bonus.	Equivalent Policy including Bonus to 31st Dec., 1883.
1884	22	1,000	2,012	145 1	2 41	2,401 0 0	2,227 0 0
1879	20	500	1,144	102 14	10 78	783 0 0	680 0 0
1884	31	600	636	1,250	9 5	1,030 0 0	1,127 0 0
1884	45	250	1,244	145 1	5 10	1,244 0 0	1,244 0 0
1884	18	1,000	944	844	84 5	1,064 0 0	1,064 0 0
1844	49	1,000	951	1,003	79 11	1,335 12 0	1,279 0 0
1849	45	2,000	2,116	3,716	66 5	2,399 0 0	2,199 0 0
1854	45	2,000	2,060	725	63 5	725 0 0	650 0 0
1854	47	8,000	8,000	8,000	45 15	4,500 0 0	4,518 0 0
1854	35	500	189	680	64 12	310 8 0	233 9 0
1850	51	5,000	3,122	8,122	45 15	4,287 16 0	6,123 0 0
1850	19	1,000	360	1,360	49 17	509 6 0	427 0 0
1854	51	1,000	270	1,270	20 6	250 0 0	250 0 0
1864	45	1,000	324	434	47 10	185 6 0	185 0 0
1860	45	4,000	876	4,876	40 12	1,297 14 0	3,278 0 0
1860	30	4,000	687	6,857	51 15	715 10 0	723 0 0
1874	40	3,000	480	4,200	44 17	494 0 0	1,033 0 0
1874	25	2,000	227	2,227	36 4	189 2 0	214 0 0

THE CONDITIONS will be found most liberal as regards—SURRENDER VALUES, FULLY PAID-UP POLICIES, REINSTATEMENT OF LAPSED POLICIES, LOANS ON THE SOCIETY'S POLICIES, LIMITS OF FREE RESIDENCE, WHOLE-WORLD POLICIES, PAYMENT OF CLAIMS.

SPECIAL NOTICE.

Policies dated in the current year (1884) will participate at the next Division of Profits for the WHOLE FIVE YEARS. Proposals must be sent before the close of the Books for the Year.

Prospectuses may be obtained on application to the Secretary.

COMMERCIAL UNION ASSURANCE COMPANY.—FIRE, LIFE, MARINE.

Capital fully subscribed £2,500,000

Capital paid-up 250,000

Life Fund in Special Trust for Life Policy-holders about 875,000

Other Funds exceed 1,000,000

TOTAL INVESTED FUNDS UPWARDS OF TWO MILLIONS.

Total Annual Premium Income exceeds .. 1,000,000

Chief Office: 19 and 20, CORNHILL, LONDON, E.C.

West End Office: 8, PALL MALL, LONDON, S.W.

NORTHERN ASSURANCE COMPANY. Established 1836.

FIRE AND LIFE, AT HOME AND ABROAD.

LONDON: 1, Moorgate-street, E.C. ABERDEEN: 3, King-street.

INCOME & FUNDS (1883):—

Fire Premiums £250,000

Life Premiums 184,000

Interest... 124,000

Accumulated Funds £2,890,000

LAW UNION FIRE and LIFE INSURANCE COMPANY. Chief Office—126, CHANCERY LANE, LONDON, W.C.

The Funds in hand and Capital Subscribed amount to £1,800,000 sterling.

Chairman—JAMES CUDDON, Esq., Barrister-at-Law, Middle Temple.

Deputy-Chairman—C. PHIMISTER, Esq. (Lee & Pemberton), Solicitor, 44, Lincoln's-inn-fields.

The Directors invite attention to the New Form of Life Policy, which is free from all conditions.

This is the Bonus Year, and all Policies effected on the "With Profits Scale" before the 30th of November next will participate.

Policies of Insurance granted against the contingency of Issue at moderate rates of Premium.

The Company ADVANCES Money on Mortgage of Life Interests and Reversions, whether absolute or contingent.

The Company also purchases Reversions, giving the vendor the option of re-purchase within a limited period, whether the tenant for life be living or not.

Prospectuses, copies of the Directors' Reports and Annual Balance Sheet, and every information, sent post-free on application to

FRANK McGEDY, Actuary and Secretary.